

INVESTIGATION

OF THE

POLICE DEPARTMENT

OF THE

CITY OF NEW YORK

1894

VOL. V.

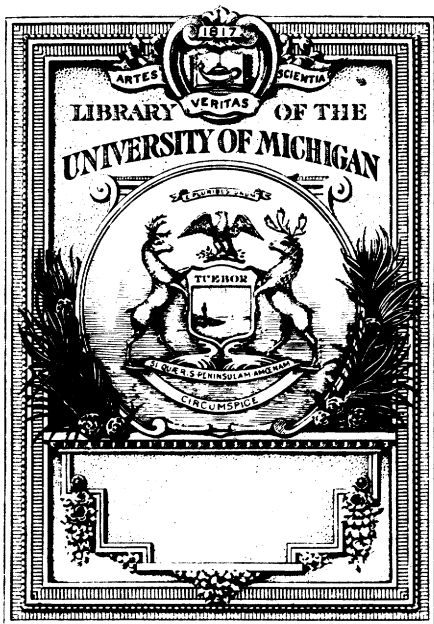
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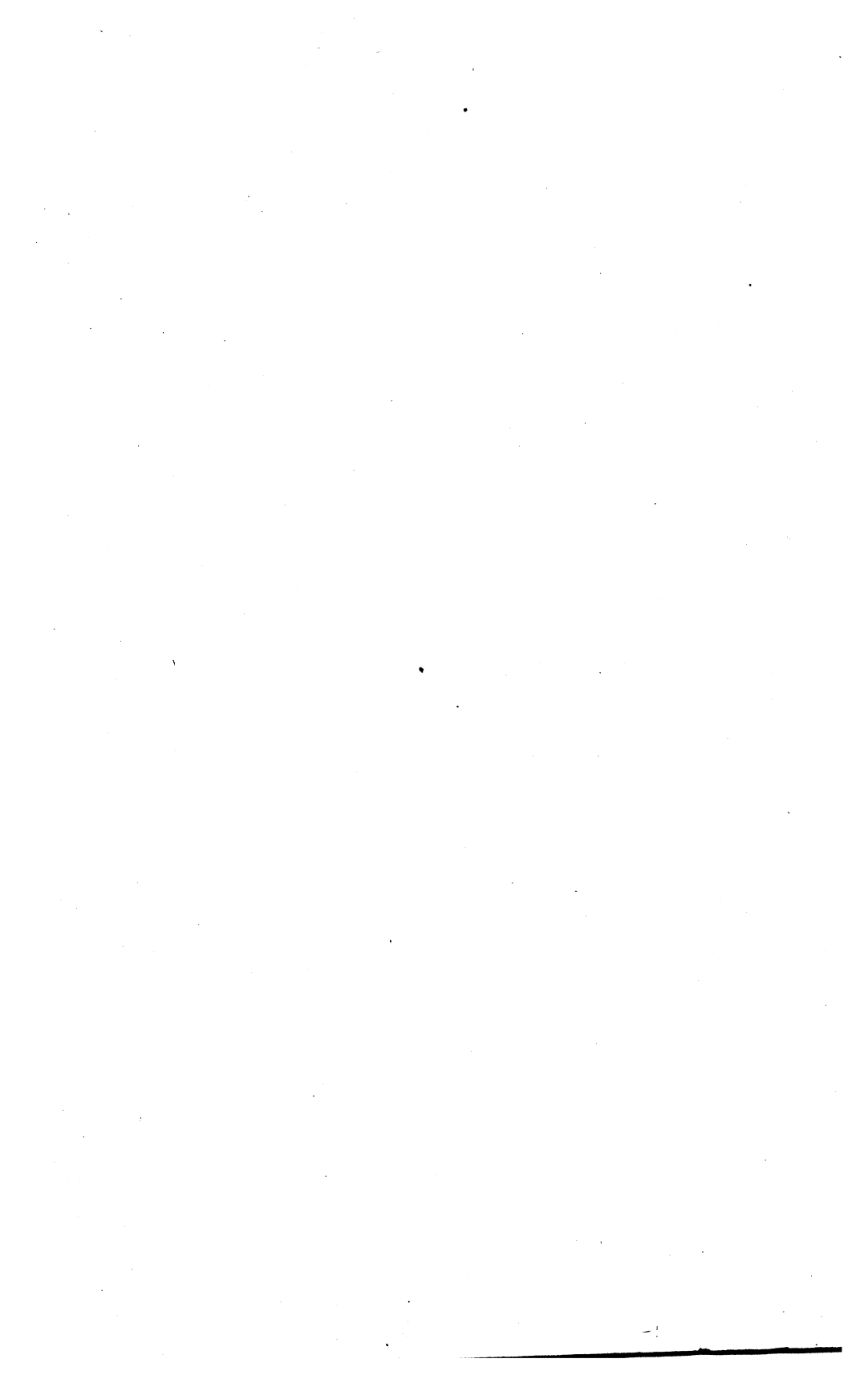
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REPORT AND PROCEEDINGS
OF THE
SENATE COMMITTEE
APPOINTED TO INVESTIGATE
THE POLICE DEPARTMENT
OF THE
CITY OF NEW YORK.
VOL. V.

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INVESTIGATION
OF THE
POLICE DEPARTMENT
OF THE
CITY OF NEW YORK.

Proceedings from December 11 to December 29, 1894.

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Q. When were you retired? A. Sixteenth of January, 1892— or December; I will be retired two years the 16th of this month.

Q. How long had you served on the force when you were retired? A. Twenty-two years and 11 months.

Q. What was your grade or rank? A. A patrolman.

Q. Where did you serve last? A. Fifteenth precinct.

Q. Where were you — on patrol duty? A. Yes, sir.

Q. You were not attached to any bank or inside work? A. I was not so fortunate.

Q. What is the pension you receive? A. Six hundred dollars a year.

Q. Do you personally attend to the business of your saloon? A. I had a partner there and we attend to it between us.

Q. Are you on duty there every day to look after your interests? A. Every day.

Q. Every day and Sunday? A. Not on Sundays, Mr. Moss, excuse me.

Q. Let me ask you — the suggestion comes to me a little more forcibly — wasn't you open last Sunday? A. We haven't the place opened since it was opened on the 6th of August; the place is closed, 240 Canal street, on the northwest corner of Centre; you have got the wrong saloon altogether.

Q. What is your condition of health? A. It is fairly good.

Q. You are on your feet all day, are you not? A. Not all day.

Q. Well, a good part of the day? A. Yes, sir.

Q. Attending to your saloon? A. Yes.

Q. What was the cause of your retirement? A. There was no cause; I got retired at my own request; I made application.

Q. So that you were able to do a fair business in your saloon and supplement that income with the pension from the police pension fund? A. I did not start the saloon when I got retired.

Q. You do that now; and get both incomes? A. Yes, sir.

Q. Were you ever injured in the service? A. No, sir; not much.

Q. Were you ever commended for bravery; did you ever have honorable mention? A. No; not that I know of.

Q. Just plain, ordinary services? A. Yes, sir.

Q. With the usual amount of ups and downs and complaints? A. Yes, sir; it is not a bed of roses.

Q. Sometime convicted and sometime acquitted? A. I have only been fined a few days' pay in the 22 years — about 11 days' pay.

John G. Moore, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. What is your full name? A. John G. Moore.

Q. Where do you live? A. Four hundred and twenty-five West One Hundred and Forty-seventh street.

Q. What is your business? A. Well, I deal in real estate, occasionally.

Q. Real estate office? A. No; I have no office; I buy and sell when I can buy a piece of property cheap.

Q. And you do buy and sell? A. Yes, sir.

Q. You do a real estate business? A. Well, I can not say I do; I do not have any office.

Q. You make commissions, don't you? A. I have; yes, sir.

Q. And do you sometimes buy and sell on your own account? A. I have; yes, sir.

Q. And make profits for yourself? A. Yes, sir.

Q. Have you a family? A. I have.

Q. How many in the family? A. Three children besides my wife.

Q. When were you retired from the police force? A. I was retired in 1893; in the winter of 1893.

Q. What was your rank in the force? A. Patrolman.

Q. Where were you on service; in what precinct? A. Thirty-second.

Q. What was the cause of your retirement? A. I have been 22 years and a half on the force and thought I would make a change; and thought I could do as well as by staying on.

Q. You make a fair income from your business, I suppose? A. Yes; by spells.

Q. And how much did you get from the pension fund? A. Six hundred dollars.

Q. You are not physically disabled? A. I have asthma, occasionally.

Q. You had that while patrolling? A. Yes, sir.

Q. You are not retired on account of having asthma? A. That was one of the causes.

Q. One of the reasons? A. Yes, sir; it was.

Q. But you had not been adjudged unfit by the surgeons by reason of asthma; had you? A. No, sir; I had not.

Q. You are in pretty good general condition, I judge from your appearance? A. I have asthma occasionally even yet.

Q. What is your age? A. Between 48 and 49; a little over 48.

F. A. Schulan, called as a witness on behalf of the State, being duly sworn, testifies as follows:

By Mr. Moss:

Q. What is your business? A. At present?

Q. Yes; A. I am in the cigar business with my son.

Q. Where is your place of business? A. Four hundred and fifty-two Grand street.

Q. When were you retired from the police force? A. February, 1891.

Q. What was your grade; patrolman? A. Patrolman.

Q. What were you retired for? A. Well, I thought I had done sufficient duty; my time allowed it, and I did not feel as well as I used to feel; in fact, I thought I had done duty outside of that where I never got compensation from.

Q. What duty was that? A. Well, I was in the New York Voluntary Fire Department; also at the commencement of the war I was one of the first that was enrolled.

Q. You were quite an experienced man? A. For my age, I think I am.

Q. The presence of such men as these in the police force would add dignity and power to it; how long had you served the police department before you applied for retirement? A. A little over 20 years.

Q. And you felt you would take advantage of your right under the law to be retired? A. No, sir; I felt that I thought I was about done up; that I did not think I was as good as I used to be; and I was getting tired.

Q. You had not been certified to be unfit for duty by any police surgeon, had you? A. No, sir; I often done duty when I ought to be home.

Q. You were doing patrol duty up to the time of retirement? A. I did not.

Q. What were you doing? A. I was stationed at the Grand street ferry.

Q. How long had you that post? A. I think six or seven years.

Q. That was a rather favored post? A. No, sir; I guess it

killed a couple of men; there was never a man that did not get rheumatism, and there was plenty of work there.

Q. You didn't have to do patrol duty? A. No, sir; I found out when 6 o'clock came I was getting tired.

Q. What is your age now? A. Fifty-four.

Q. So that you were 51— A. When I got retired.

Q. You attend to your business every day, don't you? A. No, sir.

Q. Nearly every day? A. I go there every day; yes.

Q. What is the amount of your pension? A. Six hundred dollars.

By Senator Pound:

Q. Are you a United States pensioner? A. No, sir.

Q. You were in the service? A. Yes.

Q. But draw no pension from the United States service? A. No, sir.

James McCool, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. What is your residence? A. Four hundred and forty-seven West Fifty-sixth street.

Q. And your business? A. Nothing at present.

Q. What has it been? A. I haven't had any.

Q. When did you retire from the force? A. Eighteen hundred and ninety-two.

Q. Did you apply yourself for retirement? A. Yes.

Q. Upon what grounds? A. I wanted to get out.

Q. Had enough of it? A. Had enough of it; yes, sir.

Q. You did not smell any trouble, did you? A. No, sir; I never had any trouble.

Q. I notice that the looks of these men are not so anxious or careworn as some other police officials that have been in the chair, and I greatly wanted to know if he had scented the difficulties? A. No, sir; I never had any difficulties.

Q. What is the condition of your health? A. My health has never been better than it is.

Q. What is your age? A. Forty-nine.

Q. And at the time of your retirement what was it? A. Two years younger.

Q. Forty-seven? A. Yes.

Q. What pension do you draw? A. Six hundred dollars.

Q. You have some private means of income, I suppose? A. Yes, sir; a little bit.

Q. So that you have no anxiety resting upon you? A. No one, but myself; no anxiety.

James Foster, called as a witness on behalf of the State, being duly sworn, testifies as follows :

Examined by Mr. Moss :

Q. What is your address? A. Three hundred and nineteen East Seventy-seventh street.

Q. You are a retired policeman, are you not? A. I am.

Q. When did you retire? A. The 23d of July, 1890; I think it was the 23d.

Q. What pension do you receive? A. Six hundred dollars a year.

Q. What is your age? A. About 55 now.

Q. So you were about 50 when you retired? A. Yes, sir.

Q. Your health is good, is it not? A. Well, I am suffering from varicose veins resulting from standing on Broadway; my face might be very well known; I was nearly 11 years at the corner of Twenty-third street and Fifth avenue, and of course it is a position where we have to stand a good while, and I began to contract varicose veins from which I am now suffering.

Q. Was that the reason for your application for retirement? A. No, sir; there were varicose veins and partly rheumatism and I requested to be transferred to something a little easier, having been there so long, and through Commissioner French I was transferred to the sanitary squad; there I think I stayed two years and five months, and would probably have stayed a little longer, but we were obliged to make up our reports in the evening; there was a good deal of writing to do, which obliged me sometimes to stay up till 9 and 10 o'clock by gas-light, writing, and my eyes began to get sore and dim, along with the former thing which I contracted on Broadway, so having been 20 years and 6 months in the department I made up my mind I would avail myself of the privilege which I had to retire.

Q. There were no complaints made against you that you did not do your duty properly? A. Some slight complaints, one or two I believe; I believe I lost two and a half days' pay.

Q. Notwithstanding these varicose veins and your being obliged to work by gaslight until 9 or 10 o'clock in the evening, you succeeded in getting through your superiors all right? A. I got through, that is a fact; there are some recommendations I had, the newspapers were very kind to take particular notice of me, particularly the World; there is a little cut of myself in the World, and a very good send off I got, and I have got a scrap book full of other papers; good many ladies have been asking for me since.

Q. You are just the kind of man we would like to see in some of these easy positions? A. Since I have been out of the department I have endeavored to get some kind of light work, but found nothing; it is very difficult for a retired officer, unless he is fortunate enough to be known in a bank or insurance company where he can get in right away; it is very difficult to do if he has got to elbow his way with a lot of young men; everybody wants young men now; the consequence is I have been almost entirely thrown on my pension, with the exception of a very trifle around the holidays that I earn, very little, and I have often said to my wife I don't know what will become of me — she is a very sickly woman too — if anything happened to that pension.

Q. Nothing can happen to it? A. I hope nothing, Mr. Moss.

Q. No one is going to interfere with the present pensions; are you not sorry you applied for retirement? A. Well, to tell the truth I might have stayed a little while longer on at the time, perhaps a short while, and perhaps if I could have got some easy job I wouldn't have; I had a good deal of work in this sanitary business; we were obliged to do a lot of quick work, to run from one point to the other; I had the west side of the city, to inspect these tenement-houses, and of course my varicose veins went against me; I didn't want to go to the trouble to make further application and get to a court, I don't know whether I should reach it either; so all these considerations together made me ask for retirement, but I am really entirely dependent on this pension at this present time.

Q. I think there are a great many people in need of such

services as you can render and I trust you will hear from them.
A. Thank you, sir.

Samuel J. Campbell, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. What is your business? A. Coal and wood business.

Q. Where is your office? A. Four hundred and two East Sixty-second street.

Q. Are you a retired policeman? A. Yes, sir.

Q. When did you retire? A. In January, 1892.

Q. What was the reason for your retirement? A. Well, I hadn't any special reason, any more than I had put in 20 years of service and a little over.

Q. What was your position? A. Patrolman.

Q. What pension do you receive? A. Fifty dollars a month.

Q. That is \$600 a year? A. Yes, sir.

Q. You are in good health, are you not? A. Pretty fair; yes, sir.

Q. Attend to business every day? A. Yes, sir.

Q. What was your special duty before you retired? A. Well, when I was retired I was doing patrol duty.

Q. Of what kind, specially? A. Not when I was retired; previous to doing patrol business I was doing detective work.

Q. You were a ward detective, were you not? A. Yes; part of the time.

Q. In what precinct? A. In the Twenty-fifth.

Q. Captain Gunner's? A. Yes, sir.

Q. I see that you have a button upon your coat; is that a Grand Army button? A. Yes, sir.

Q. You served in the war? A. Yes, sir.

Q. Do you draw a United States pension? A. Yes, sir.

Q. May I ask how much? A. Twelve dollars a month.

Q. That is \$144 a year? A. Yes, sir.

Q. You keep a coal yard, don't you? A. Yes, sir.

Q. And do a pretty large business, don't you? A. Well, no; I can't say that I do a very large business.

Q. You have an income sufficient to keep you and your family from the coal yard? A. No; not hardly.

Q. With the assistance of the pension from the police depart-

ment and the other pension from the United States government you have very little difficulty, have you? A. Well, no.

Q. Don't you own some real estate? A. Yes, sir.

Q. May I ask you what real estate you own? A. I own a house in Ninety-second street.

Q. What number? A. One hundred and nineteen East Ninety-second street.

Q. What kind of house is that? A. It is a flat-house.

Q. What is its value? A. Well, I don't know what it is worth; I paid \$27,000; paid \$5,000 down and the rest mortgage on it.

Q. When did you buy the house? A. About three years ago.

Q. How much mortgage is on it now? A. Twenty thousand dollars.

Q. Twenty thousand dollars? A. Yes, sir.

Q. So you have reduced the mortgage? A. Reduced it \$2,000.

Q. What other real estate? A. I own a lot up in Bedford park.

Q. How much is that lot worth? A. About \$600.

Q. You paid that for it? A. Yes, sir.

Q. This house and this lot were bought while you were a police officer, were they not? A. Yes, sir.

Q. What other real estate? A. That is all.

Q. Now, you have some property in your wife's name, have you not? A. Yes, sir.

Q. What property? A. That is a house in Sixty-ninth street.

Q. What number? A. Three hundred and sixty-eight East Sixty-ninth street.

Q. That is a private house, is it not? A. Yes, sir.

Q. What is its value? A. I paid \$8,500 for that — my wife did.

Q. Eight thousand five hundred? A. That has got a mortgage on it of \$5,000.

Q. What other real estate is owned by your wife? A. None.

Q. You had some money in the bank when you retired, had you not? A. Yes; I put it in the coal business.

Q. How long have you had that coal business? A. Going on two years.

Q. How much did you pay for that? A. I am in partnership with another man.

Q. I understand, but you must have paid something? A. I put in \$3,500.

Q. And besides that you had some money in the bank? A. Yes, sir.

Q. Before you went in the coal business? A. Yes.

Q. What was the amount of your bank account before you went into the coal business? A. About \$6,000 or \$7,000.

Q. And where was your account? A. It was in the Bowery Bank.

Q. How long did you have an account in the bank? A. Well, me and my wife, 25 to 30 years.

Q. Your wife had an account there, too? A. Yes, sir.

Q. How much was in her account? A. I don't know.

Q. Haven't you any information on that subject? A. No.

Q. She has an account now? A. Yes, sir.

Q. How much is in it now? A. I don't know.

Q. One thousand dollars? A. Oh, no.

Q. You have some children? A. Yes, sir.

Q. Have you a child 21 years of age? A. Yes, sir.

Q. What is his name? A. Mary; it is a girl.

Q. Any others? A. Yes, sir; four girls.

Q. I mean over 21 years of age? A. No, sir.

Q. Mary is the only one? A. Yes, sir.

Q. Is there any real estate in her name? A. No, sir.

Q. What bonds or securities did you have before you retired?
A. None.

Q. Did you not have any other property besides that which you have mentioned? A. No, sir.

Q. Did you live in a private house when you were retired? A. Yes, sir.

Q. Whereabouts? A. Where I am living now; 368 East Sixty-ninth street.

Q. Kept servants? A. No, sir.

Q. One servant? A. None whatever.

Q. Do your own work? A. We have four girls, and I think they should attend to the business.

Q. You had been on the force how many years when you were retired? A. Twenty years and about six months.

Q. And your salary during that time had been how much? A. About \$100 a month.

Q. Where did you get the money with which you bought the house, the \$27,000 house? A. Well, I only paid \$5,000 on that.

Q. You paid \$5,000 on it, but where did you get that \$5,000?
A. I got \$5,000 from my father 15 years ago.

Q. That is the same \$5,000 that you got from your father? A. Then I bought a house in Eighty-first street for \$6,000, and sold it for \$7,000; I have bought horses and sold them.

Q. That house in Eighty-first street; what number was it? A. Four hundred and forty-eight East Eighty-first street.

Q. When was that house bought? A. I bought that, it must have been nine years ago I should think.

Q. You paid \$6,000 for that; then you had \$1,000 besides the \$5,000? A. Yes, sir.

Q. You sold it for \$7,000? A. Yes, sir.

Q. And you mean to say that the \$5,000 that you put into the house was a portion of that \$7,000? A. Yes, sir.

Q. Did you not sell that house with the mortgage on it? A. In Eighty-first street?

Q. Yes? A. Oh, yes.

Q. How much cash did you get from it? A. I got \$4,000.

Q. Then you had to make up another \$1,000; where did you get that? A. I had been dealing in horses and making money.

Q. How long have you been dealing in horses? A. Twenty-five years.

Q. Dealing in horses while you were in the police department? A. Yes, sir.

Q. Did you have a horse market? A. No; I didn't have a market, but I would buy a horse and sell it.

Q. How did you that; did you have an office? A. No, sir.

Q. Who did you buy your horses from? A. I would buy them at sale; sometimes; Kellogg's sale, American Institute; and sometimes I would buy at the Seventy-fourth street horse market.

Q. Where did you put the horses that you bought? A. I put them up in the livery stable.

Q. Paid their board? A. Yes, sir; put them there for sale.

Q. And then sold them? A. Yes, sir.

Q. How many horses have you sold in 25 years? A. I have sold 40, 50 or 60.

Q. How many horses did you sell within the three years prior to your retirement? A. Well, probably 20.

Q. What was the average price? A. Well, I bought two horses for \$300 and \$320, and sold them for \$500.

Q. Now, who did you buy those horses of? A. I bought them at sale at the American Institute.

Q. Who did you buy them from? A. I bought them at auction.

Q. Who was the auctioneer? A. Mr. Kellogg.

Q. Who did you sell those two horses to? A. To a man by the name of George A. Cornish.

Q. Where is Mr. Cornish? A. He keeps a livery stable in Sixty-eighth street, near Third avenue.

Q. Tell us about some more of those horses you bought and sold? A. I bought another one there for \$150, and sold it for \$225.

Q. Who did you sell that horse to? A. To a man by the name of McManus.

Q. Where is McManus? A. He lives up around Sixty-seventh street some place.

Q. What part? A. I couldn't tell you exactly.

Q. What is his first name? A. I can't give you his first name.

Q. What is his business? A. He used to be in the real estate business.

Q. Did he have an office at Fifty-seventh street? A. He did have an office at Sixty-fifth street—Seventy-fifth street.

Q. Are you sure about that? A. Yes; he used to have an office on Seventy-fifth street.

Q. When did he have that office? A. Four years ago, I think; I am not positive about that; he used to be in the real estate business.

Q. You are positive it was Seventy-fifth street? A. I won't be positive how many years ago, but it was between Seventy-fourth and Seventy-fifth street and Third avenue.

Q. On Third avenue? A. Yes, sir.

Q. You stick to that? A. It was there.

Q. And in the real estate business? A. Yes, sir.

Q. About four years ago? A. It might be longer than that; I wouldn't say how many years ago that was.

Q. Where did you sell it to him? A. He came to the station-house.

Q. How many people came to the station-house to buy your horses? A. He was the only man that came to the station-house.

Q. Name another to whom you sold horses? A. I bought the same horse back from him.

Q. Did you? A. Yes, sir; after he had him about six months I bought that same horse back from him for \$200, and I sold him to John D. Crimmins for \$325.

Q. How many horses did you sell John D. Crimmins? A. That one.

Q. That is the only one? A. Yes, sir.

Q. Do you know Mr. John D. Crimmins? A. Yes, sir.

Q. Know him well? A. Yes, sir.

Q. Ever had any business relations with him besides that? A. No, I can not say I have; I have known him there; he is living in the precinct that I was working in, and I know him as doing business there.

Q. Does Mr. Crimmins know you? A. Yes, sir.

Q. What business relations have you had with him? A. None.

Q. None whatever? A. No, sir.

Q. Except that horse? A. That was all; I have known him as a citizen of the district.

Q. Can you name any other sales of these horses? A. Well, I don't remember as I can; I have sold to a man by the name of De Baum three or four horses.

Q. What is his first name? A. Peter.

Q. How do you spell that name? A. De Baum.

Q. Where does he keep his office? A. I don't know where he is now.

Q. Where was he then? A. At that time he was in Sixty-second street.

Q. Can you name any others? A. Well, I put horses in the sale at Kellogg's sale and sold them there; I wouldn't know who bought them; I sold them at auction.

Q. What other business have you had besides buying and selling horses? A. Nothing outside of that.

Q. How much of your time did you spend in this horse business? A. When I had nothing else to do, I would take a crack at that; when I had nothing else to do in my regular business.

Q. By your regular business you mean police business? A. Yes, sir.

Q. Were there times you had nothing to do? A. Yes, sir.

Q. What were you expected to do? A. My duty was to look after the recovery of stolen property, and to look after thieves.

Q. What else? A. Look after the precinct.

Q. Look after saloons? A. Yes, sir.

Q. And saloon-keepers? A. Yes, sir.

Q. Why didn't you mention that when I asked you to name your duties? A. Regular police duty.

Q. Why didn't you mention that, was there any reason for your omitting that? A. I don't know as there is; no, sir.

By Chairman Lexow:

Q. What do you mean by looking after saloons? A. To see if the Excise Law was violated.

Q. Your duty was to see that the Excise Law was enforced? A. Yes, sir; that was part of my duty if I had nothing else to do at the time.

By Mr. Moss:

Q. How did you go about that, what was your method? A. My method was if I could find a front door open to go in and arrest them.

Q. If they had the front door open, how about the side door? A. If I could get in the side door I would arrest them.

Q. How many men did you arrest for violation of the Excise Law while you were wardman in that precinct? A. That I couldn't answer just at present, unless I referred to the blotter.

Q. Did you wear your uniform? A. When I arrested them?

Q. While you were on duty regularly? A. No, sir.

Q. Did you ever wear a uniform? A. Oh, yes.

Q. When did you cease wearing a uniform? A. Twelve years, I guess, before I was retired.

Q. So for 12 years you did not wear a uniform? A. No, sir.

By Chairman Lexow:

Q. You were what is known as a ward detective? A. Yes, sir.

By Mr. Moss:

Q. How much time did you have on your hands? A. Well, I reported at the station-house at 8 o'clock in the morning; the duties then were to report back there at 12 o'clock; sometimes we would be looking up cases, looking up stolen property, and we couldn't get back.

Q. Were there any disorderly-houses in your precinct? A. Not one.

Q. You never found any? A. There never was any there to my knowledge except one that was a little suspicious.

Q. Or pool-rooms? A. No, sir.

Q. Or gambling-houses? A. No, sir.

Q. You say you never found one suspicious house while you were wardman, and you were wardman 12 years? A. Yes, sir.

Q. What precinct was that? A. Twenty-fifth precinct.

Q. And its boundary? A. It ran from Fifty-ninth street to Seventy-ninth street and from Fifth avenue to East river.

Q. To Seventy-ninth street east of Fifth avenue? A. Yes, sir.

Q. You are an expert upon that subject, are you not; 12 years' experience as to the character and condition of the precinct? A. Well, pretty well.

Q. As an expert you say there was nothing disorderly in that precinct? A. Except one suspicious house.

Q. Where was that? A. That was in Sixty-fourth street between Third and Lexington avenues.

Q. What duties did you have at Guttenberg? A. I was never there in my life.

Q. You desire that to be put on the record? A. I don't think I was ever there in my life.

By Chairman Lexow:

Q. You said at first that you were not there, and now you say you don't think — were you there or not? A. No, sir; don't know where it is, somewhere across the river in Jersey, but I never was there.

By Mr Moss:

Q. Did you know of any resort for thieves and burglars in your precinct? A. No resort, no, sir.

Q. Any place where they hung out? A. Well, there was a place when I first done detective duty on Sixty-third street.

Q. What place was that? A. That was Sixty-third street near First avenue, a place called "Battle Row," a pretty tough place it was, full of burglars, that is sneak thieves, petty thieves, and we cleared them all out, sent every one of them to State prison.

Q. That was where the Northhampton bank robbers have some concern? A. No, sir; they had no concern up there.

Q. They did not? A. No, sir.

Q. Did you notice the Northhampton bank robbery trial? A. I don't know as I did.

Q. You never noticed that? A. No, sir.

Q. Did you know that there were people up there in that neighborhood in Sixty-third street that were proven to be pals of the Northhampton bank robbers? A. I did not.

Q. And impressions of the keys found there? A. Never heard of it.

Q. Never heard of that? A. No, not any found up there, no, sir.

Q. You never heard of anything in connection with the Northhampton bank robbery in Sixty-third street? A. No, sir.

Q. That may have happened while you were attending to something else? A. Possibly, if it did happen.

Q. When you had nothing to do? A. If it did happen, yes, sir.

Q. Of course it happened; Mr. Goff tried the case.

Mr. Goff.—Yes, sir; I tried the case and sent the men to State prison. There the keys and the implements for breaking into the bank was found in Sixty-second street, you know the place, because your name came up in the trial.

Mr. Moss.—That must have happened when he didn't have anything to do, and was attending to his horse business.

Mr. Goff.—I was assistant district attorney and remember it well.

Q. You know the Bohemian saloon-keepers? A. Yes, sir, some of them I have seen.

Q. Mr. Pospisil? A. I have seen him, yes, sir.

Q. What did you do with the money that Pospisil gave you? A. He never gave me any.

Q. Did you read Mr. Pospisil's testimony? A. I did.

Q. You know he swore he paid certain moneys to you? A. Yes, sir.

Q. Was there not some one else that paid you—Secora paid you, did he not? A. I never got any money from him.

Q. Never got any money from any of these Bohemians? A. No, sir.

Q. Did they all perjure themselves? A. I don't know.

Q. They said that they gave you money; don't you know whether they perjured themselves or not? A. If they said so, then they said what was not true.

Q. Did they perjure themselves? A. Yes, sir.

Q. Now, you know, Mr. Campbell, that it has been a difficult thing for people to come here and testify that they had paid money to the police—you know that, don't you? A. I don't know.

Q. You don't think it has been an easy thing for these witnesses to come here, do you? A. I don't know.

Q. You know there has been a certain amount of persecution visited upon witnesses who have testified from this chair? A. I don't know that.

Q. You know you are sitting on a historical chair from which many persons have gone forth and got into difficulties for what they have testified to for various reasons; you know it is not a pleasant place to be, don't you—don't you know that? A. Yes; it is not pleasant.

Senator O'Connor.—Is there any provision in the law governing the conduct of retired policemen in case they are convicted of any crime; have they to forfeit their pensions?

Mr. Moss.—I am not aware of any such provision.

Chairman Lexow.—A pension is perpetual, is it not?

Mr. Moss.—Yes.

Senator Pound.—Haven't you recited where some pensions have been stricken from the roll?

Mr. Moss.—That was for death.

Senator O'Connor.—Doesn't that pension go to the widow; you have spoken of police widows and orphans; is that where the police have been killed in the discharge of their duties?

Mr. Moss.—Yes; men who have been killed or died from sickness contracted in the service, and the widows and orphans of those who have long been in the service.

Mr. Goff.—There is a case where a policeman married a woman on his deathbed so that she could get his pension.

Q. Now to resume; you must have followed the testimony of these men in the newspapers, did you not? A. No.

Q. You knew your name was called into question? A. Yes, sir.

Q. And did you not read that? A. At that time; yes.

Q. You read it then and followed it? A. No; I don't know as I followed it after that.

Q. Did you pay any attention to it? A. Not after that.

Q. There has been no reason why you should pay any attention to what these men said at all? A. Not after my name had been mentioned; I didn't follow the testimony here.

Q. I asked you if you paid attention to it and followed the matter? A. No, sir.

By Chairman Lexow:

Q. You mean to say that you have not got enough interest in the reputation and honor of the body that you belonged to for 20 years to follow the testimony in these cases, to see if it was an honorable or dishonorable institution? A. Well, I read the testimony on my own behalf.

Q. And nothing else? A. I have read it occasionally; looked over it; yes.

By Mr. Moss:

Q. No special interest in it? A. I haven't made any special point of following the testimony.

Q. I want to ask you after having called your mind to the thought of the difficulty, the unpleasantness and the uncomfortableness that may come to a man from sitting in that chair; what motive can you assign why Pospisil and Secora should come here and testify why they paid money to you? A. I would like to state to the Senate committee that I am indicted; I think I am entitled to some little rights; I don't think I ought to come here and talk when I have to stand trial before another tribunal.

Chairman Lexow.—You can always plead the excuse that would prevent further examination. If you say that you can not answer for fear that it will incriminate you that disposes of the question so far as we are concerned.

Senator O'Connor.—Decline to answer on that ground, that it will tend to convict you of a crime.

Q. What do you say in answer to that last question (last question repeated)? A. They never paid me any money.

By Chairman Lexow:

Q. What motive can you assign to Pospisil and Secora for coming here and testifying that they paid you money? A. Well,

all I can say to that is I think they got the money and kept it, and put it in another direction.

Q. What direction? A. To cover their own tracks up; that they had collected this money from their organization and kept that money; and to cover the tracks up they came and made a statement of that kind.

Q. That is the only excuse you can give? A. Yes.

Q. That is the only motive you can assign; is that so? A. That is the only thing I can think of.

Q. Never had any trouble with them, did you? A. No.

Q. Never had any quarrel with them? A. No, sir.

Q. And never had any difference with them? A. No, sir.

By Mr. Moss:

Q. You followed their testimony sufficiently to see that they spoke with reluctance, did you not? A. Yes, sir.

Chairman Lexow.—I wouldn't follow that up; we can draw our own conclusions between those two witnesses and this witness.

Q. What did you have to do with Mr. Pospisil's attempt to go away? A. Nothing whatever; nothing whatever, positively.

Q. Who did? A. I don't know.

Q. You heard of it, did you not? A. I heard that he was put under bonds to keep him from going away.

Q. You heard that Pospisil, who was a witness against some individuals, had been asked to go away, did you not? A. I didn't hear that; I read in the paper that he had been arrested and put under bonds.

Q. Was that your first knowledge of Pospisil? A. That was my first knowledge, positively.

Chairman Lexow.—I don't think I will follow that up, it doesn't seem to us quite fair to put this witness in such shape that the answers may be used against him.

Senator O'Connor.—He is under indictment and he ought to have the full benefit.

Mr. Moss.—The moment he pleads the indictment, and the fairness of the thing, we have nothing further to say. We thought it wise to continue until he made it himself, now having made it we will stop.

Q. Who holds the \$20,000 mortgage upon your property; I

refer to the \$27,000 house? A. The savings bank right across the street here.

Q. The Emigrants' Savings Bank? A. The Emigrants' Savings Bank.

Q. Who holds the mortgage of \$5,000 upon the \$8,500 house? A. A man by the name of — I don't remember his name — it is a lawyer.

Q. Have you business relations with him? A. No, sir.

Q. Where is his office? A. His office is in Wall street, I think 43 Wall street.

Q. You pay your interest to him, do you not? A. Yes, sir—Wally, that was his name.

Q. We have figured upon your own statement, and there seems to be property of \$20,100 on your statement? A. You have figured wrong.

Q. Let us get that right; there is a house, \$27,000 it cost you? A. I paid \$5,000 on it.

Q. You have paid \$5,000 and \$2,000? A. Yes, sir.

Q. That makes \$7,000, paid on the house? A. Yes, sir.

Q. There is a house at \$8,500 upon which there is a mortgage of \$5,000, that leaves \$3,500; there is \$2,600 for Bedford Park? A. There is where you made a mistake—\$600.

Q. Six hundred dollars for Bedford Park; then there is in cash \$7,000? A. Oh, no; I ain't got no such cash.

Q. What is the value of your interest in the coal business? A. Three thousand five hundred dollars.

Q. You said you had \$7,000 when you left the department? A. When I left the department?

Q. Yes, in cash? A. I presume I had; yes, I guess I had.

Q. Then that \$7,000 goes in; we will leave the \$3,500 out, because you paid the \$3,500 out of the \$7,000; now, that makes \$17,500; \$17,500 saved while you were in the department? A. Yes, sir — no, I got \$5,000 of it.

Q. We will say \$5,000 that you inherited, that leaves \$12,500? A. I had \$2,000 when I went on the police, when I went in the department.

Q. That would leave \$10,500; then you had a saving of \$10,500 while you were in the department? A. In 20 years.

Q. On a salary of how much? A. One hundred dollars a month.

Q. Did you have \$100 a month for the whole term? A. Yes, sir.

Q. And with a family that was grown up, wife and four children now? A. Yes, sir.

Q. Living in a private house? A. Didn't, only for a few years.

Q. How long have you had that private house? A. About a little over two years—three years next May.

Q. How did you live before you went into the private house? A. I lived in this house in Eighty-first street that I bought, for a few years.

Q. That was a private house? A. Yes, sir.

Q. So you have lived in a private house for how many years? A. I lived at the foot of Seventy-sixth street and East river, a large house which was built there, which stood in a block; I took charge of it for a man.

Q. I ask you how many years you have lived in a private house? A. I lived four years I think in Eighty-first street.

Q. That would make seven years in these two houses? A. Yes, sir.

Q. And you accomplished all this and supported your family and sent your children to school of course? A. Yes, sir.

Q. Gave them a fair education? A. Some of them are going to school yet.

Q. And you managed to save \$10,500? A. I lived for five years at the foot of Seventy-sixth street and East river, in a large mansion that I didn't pay any rent for, and there was about 70 pear trees; there was all the fruit that could grow which grew on that place, which took in a whole block; I lived there and had all that fruit and stuff to myself and sold it, and while I lived there in these five years I saved my salary

Q. What did you do in return for the rent? A. I had the rent for looking after the place; the man was glad to have me there to look after it.

Q. You looked after the place for your rent? A. I took charge of the place altogether.

Q. Did you not make any returns from it at all? A. He didn't want any; he said to go there and take charge of the place.

Q. Who was that man? A. The place belonged to a man by the name of Babcock at that time.

Q. Was it Babcock that made that arrangement? A. No, sir; Babcock was at the place and went and seen the owner.

Q. Who was the owner? A. He is a lawyer down in Wall street; I can not think of his name.

Q. Can you not give the name of the owner from whom you got such privileges? A. I can not think of it now.

Q. What was Babcock's first name? A. Hamlin.

Q. Where is he now? A. I don't know.

Q. Haven't you kept track of him? A. No, sir.

Q. Where was he at that time? A. He lived there in the house with me.

Q. What was his business? A. He was in the real estate business.

Q. How long did you say you lived under that arrangement? A. Five years.

Q. What would have been the proper rental of the place you have occupied? A. Well, it has been renting—the place was sold and cut up in lots, and the house has been rented since, I think, for \$50 a month.

Q. Did you ever know of that property being rented as you occupied it? A. No, sir; it stood empty there for years.

Q. How much time did you devote to looking after it? A. Not a great deal; I used to go there to my meals; it was in my precinct; I raised fruit enough on it to save my salary while I lived there; there was a bath-house on it.

Q. Were you not exercising a police protection over the property to prevent things being carried away by thieves and so on? A. Well, that was why I went there, I presume.

Q. To protect that property? A. Yes, sir.

By Chairman Lexow:

Q. You were custodian of the property? A. Yes, sir.

By Mr. Moss:

Q. It was quite an important thing and quite an advantage to the owner before his property was cut up into building lots to meet improvements to have the ward detective of the precinct occupy his house and watch it, was it not? A. Yes.

Q. So that from your position as police officer you occupied that extraordinary privilege? A. Yes, sir.

Q. As one of the emoluments of your position? A. Yes, sir.

Q. Did you get a Christmas present? A. No, sir.

Q. Did you not ever get Christmas presents from the saloon-keeper in your district? A. I don't know as I did; I can not remember of it.

Q. Don't you remember such things? A. There has been things sent to my house; I don't know where they came from.

Q. If a saloon-keeper whom it was your business to observe and against whom to enforce the law made you a present wouldn't you remember it? A. I wouldn't know where it came from.

Q. You did get a good many presents and you didn't know where they came from? A. I didn't get a great many; I can not say that.

Q. What was it? A. Might have been a box of cigars sent to the house, couple of bottles of liquor, something like that.

Chairman Lexow.—Suppose the suggestion you made that legislation should be passed legislating the police force out of office, would that operate against these men?

Mr. Moss.—I don't think it would operate on pensions that have been granted, I consider those are fixed. All we can do is to provide for the future.

Chairman Lexow.—I refer to that because I received a letter from you, I don't suppose it is private at all, in which you insisted again upon that proposition. Do you imagine that such a proposition is at all feasible and can be carried into effect?

Mr. Moss.—Decidedly.

Chairman Lexow.—Without opening up the chances for wholesale debauches in this city and crime becoming rampant. How would you legislate the police force out of office. That would mean that you wouldn't have a police officer in this city.

Mr. Moss.—Not at all. I don't think you understand my plan. I certainly don't want anarchism. I think we should proceed to organize a new police force quietly and as carefully and as expeditiously as possible, and not put the whole force out until the new force is ready to step right into its place.

Senator Lexow.—What do you suppose would be the discipline and efficiency of the force that you left in office with the sort of Damocles of that kind hanging over their head?

Mr. Moss.—It would be perhaps as good as it is now, it could hardly be worse than it is now, and it might be a great deal better. I think if some of these gentlemen could be restrained in their ardor at the present time, it would be of great benefit to the citizens.

Senator O'Connor.—What portion of the 4,000 on the force do you think is contaminated with the practices that have been disclosed here?

Mr. Moss.—Now, you are asking for my opinion, and I may have one on the subject, but the proportion is very small that are not contaminated. There are men of minor positions that I have great confidence in, men who have given evidence of their honesty and integrity under circumstances of great difficulty;

but I think that when the head is so outrageously rotten and corrupt, as this head is and has been, and the heart likewise, that there is very little to be said for the members of the body; there may be a sound finger and toe here and there, and all honor to them when we find them; but this force is irrevocably bad, and it ought not to exist any longer.

Chairman Lexow.—There are such things as theories and then we have to face and are confronted by stern necessities. How in the world are you going to legislate the police force out of existence? What could you suggest that would legislate out of existence 4,000 men substantially by legislation, without producing conditions of anarchy in this city.

Mr. Goff.—That involves the question requiring very deep and earnest consideration. Mr. Moss has given a great deal of thought and reflection to that matter, but I think the counsel should not be placed in the position now of setting forth their views or urging them at this stage of the proceedings. That, no doubt, a committee will have to consider in executive session, Mr. Moss' views, the result of his very long experience and his careful study of this question; but it may not be proven just at this moment. I do that out of deference to Mr. Moss. We will try to complete the structure that we are building stone by stone.

Chairman Lexow.—The question occurred to my mind and I have mentioned it, to legislate the whole police out of office did not seem to me to be practicable.

Mr. Moss.—The force has been demonstrated to be corrupt from the top down to the bottom, and it ought to be dispensed with and something put in its place. If we say only half of the force is corrupt—2,000—to attempt to get rid of 2,000 by the slow process of charges and trials would be a very long and tedious proceeding, and much of our interest would suffer meanwhile. You could very easily give the preference to old officers who would come to the front without charges, and against whose application there could be no objection, it is a very easy thing to re-enroll them, and by re-enrolling them, cut their official heads off, and then re-enroll them; the bond is broken between them and the district leader who appointed them.

James Curry, called on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Moss:

Q. Mr. Curry, are you a retired policeman? A. Yes, sir.

Q. When were you retired? A. February, 1891.

Q. How old are you now? A. Sixty-four.

Q. What was your position in the service when you retired?
A. Patrolman and roundsman.

Q. What class of duty were you doing? A. General patrol duty pretty much all the time, with the exception of three years I was roundsman.

Q. What was the cause of your retirement? A. I had been detailed, and I wasn't fit for active duty; the doctor declared I wasn't fit; I was fit enough for Jefferson market, but when I was sent on post I was very bad with rheumatism, and the police surgeon and my own doctor advised me to get retired.

Q. Your application was on the ground of sickness? A. Sickness; I was two months sick.

Q. And did you have a surgeon's certificate to that effect?
A. Not for the retirement; I went and asked to retire; and the police surgeon said I was not fit for active service.

Q. You were doing special duty in Jefferson Market court?
A. I was doing duty there; was detailed there to inside work; that I could do for years if I had been let alone, but I couldn't go out and do six hours' patrolling; I had rheumatism and sciatica.

Q. Your experience made you useful in the Jefferson Market squad? A. Yes, sir.

Q. That is a place at a premium? A. There is no premium now; if you were a Republican you couldn't stay there.

Q. You had the misfortune to be a Republican? A. All my life.

Q. And you are not willing to give it up? A. Never will.

Q. Even to have a soft position in Jefferson market? A. No.

By Senator O'Connor:

Q. You are a partisan? A. Yes, sir; always was; I know it done me harm and a great deal of it; I have been searching ever since to try and get a light job; for a man that has been on duty all his life from 13 until I became 60, he wants something to keep his old brain in motion, but I couldn't get it.

Q. And from the fact that you were a Republican; that was against your interest there? A. Very much.

By Mr. Moss:

Q. Will you tell me just how you discovered that? A. I discovered that when I had to go out on patrol.

Q. But there were two Republican commissioners on the board? A. Oh, no; there was not; McClave was there and that is the only one, and you can not count him one; I never counted him.

Q. You are pretty well posted on Republican affairs? A. No, sir; I never took much interest in politics further than to go and vote.

Q. You know a thing or two about politics in this city? A. I might think I did and not know it after all.

Q. From all you know, and your loyal Republicanism which has led you to sacrifice your position there, you wouldn't say that McClave was a good Republican? A. I wouldn't, by any means.

Q. What annoyances did you have, if any? A. None; I was put on post and I couldn't do it and I had to get out.

Q. You were forced to do duty that was beyond your power? A. That I couldn't do.

Q. And you tried to get a different assignment and didn't succeed? A. I tried several times to get back again and get some place where I could continue, but couldn't get it.

Q. What led you to think that your Republicanism interfered with your getting that position in the Jefferson Market? A. Well, I know Mr. Martin went for me.

Q. How did he go for you? A. Because they sent me word that if I didn't get in there I had better get out.

Q. How did you get that word? A. I got word through the leader of the district.

Q. What leader? A. I got it from a fellow by the name of Callahan and another by the name of Duress.

Q. That is Bernard J. Duress, the lawyer? A. No, it is not him; he is a man that works down the river front.

Q. You understood them to be Tammany leaders in the district? A. Yes, sir.

Q. What did they say to you? A. Asked if I wouldn't join Tammany Hall and I would be taken care of, and I said no.

Q. That is while you were making application to be sent back again to do duty in Jefferson Market? A. That was before it, while I was detailed.

Q. After you refused to join Tammany Hall what happened to you? A. I was sent on post.

Q. Did they speak to you again while you were on post? A. No, sir.

Q. But you made your application to be sent back to Jefferson Market? A. I got friends to go and see McClave, and I found it was of no use.

The stenographer is requested to note that George Hess was called at the hour of three minutes of 1 o'clock and failed to respond.

Daniel Polhamus, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. You are a retired officer? A. Yes, sir.

Q. You were a sergeant, were you not, when you retired? A. Yes, sir.

Q. When did that happen? A. About four years ago.

Q. What age were you when you retired? A. I was 53.

Q. What pension do you receive? A. One thousand dollars.

Q. Why did you apply for retirement? A. I had hemorrhages.

Q. How long were you a sergeant? A. About 23 years.

Q. In one precinct all that time? A. No, sir.

Q. What precinct were you in when you retired? A. It was in the Sixteenth.

Q. You were not on patrol duty, were you? A. We did our patrol, we went up and visited the men, did our tours, yes, sir.

Q. But a large part of your duty was at the desk? A. We have our tours at the desk, yes, sir.

Q. If there had been no pension you would not have retired at all on the ground of physical incapacity? A. I had to, the doctor told me if I didn't get retired the business would retire me.

Q. Were you an applicant for promotion to a captaincy? A. No.

Q. Do you ever consider being made a captain? A. Well, I did at one time, yes.

Q. You talked over that subject with some one, did you not? A. Yes, sir; I did.

Q. Who did you talk with? A. I talked it over with Senator Madden at one time, and several friends, and a brother of mine, now dead.

Q. Were you ever offered a captaincy for money, or was money ever mentioned to you in connection with a captaincy? A. Not direct, no, sir.

Q. How was it mentioned, indirectly? A. Well, there was a party once visited me and he told me he thought such a thing might be accomplished.

Q. Who was the party? A. I really forget the man's name now; he was from the country.

Q. What official position did he hold, or what political position? A. He didn't hold any at the time.

Q. What was his standing by which he came to you and made any such remark as that? A. He was acquainted with one of the commissioners, he said.

Q. What commissioner was he acquainted with? A. Mr. Nichols.

Q. What did he say to you on the subject? A. Well, he said he thought the thing could be accomplished for about \$2,000.

Q. That was your promotion to a captaincy? A. That is what he said he thought it would be if I desired it.

Q. What did you say to him? A. I told him I wouldn't pay for any promotion to anybody.

Q. That has been your standing? A. That has been my standing; yes, sir.

Q. You think you could have been promoted if you had had a different standard? A. I don't know exactly, only that was the standing I took; I would never pay for promotion to anybody.

Q. And you felt that you would remain a sergeant for all your life as long as you stayed in the department, rather than do that? A. Yes, sir.

Q. There is a general impression among police officers, is there not, that men are not promoted upon their merits? A. Not always.

Q. And that financial considerations enter into those matters? A. That is the way they feel, I think.

Q. That is the feeling in the department? A. I think so; yes, sir.

Q. How frequently have you heard such remarks made? A. Well, I have been out of the department for about four years.

Q. Were they made up to the time of your retirement? A. That was the general talk going around.

Q. And you had special reason to notice that because you were an old sergeant yourself? A. Yes, sir.

Q. You would have liked to have been a captain? A. If it had come to me as a right I should; yes, sir.

Q. You wouldn't take it unless it came to you as a right; you wouldn't pay for it? A. No, sir.

Q. And you wouldn't take it unless it did come to you as of right? A. No, sir.

Q. I want to try to refresh your recollection, because it is rather a surprise to you to be asked this question about the man that made that approach to you; where did he live? A. I think it was Ulster county.

Q. Don't you know the town? A. I think it was back of Kingston somewhere.

Q. What was his relation with Mr. Nichols? A. He told me that he swung a delegation up there at the time there was a contest between the two Democratic factions up in Albany at the time of the convention; that is what he said to me.

Q. Swung one of the factions? A. He said in the county that he was carrying the other side, the Tammany Hall side of the house.

Q. You mean Mr. Nichols' side of the house? A. Yes, sir; Tammany Hall side of the house in that county.

Q. Was he a leader up there? A. I don't know.

Q. Did he say he was? A. He said he was a politician there with the other folks.

By Chairman Lexow:

Q. And that he swung his delegation for the Tammany side? A. Yes, sir; that is what he said; for Mr. Nichols.

By Mr. Moss:

Q. Do you know what business he was in? A. I do not.

Q. Did you see him any other time than the time he called upon you about that captaincy? A. I saw him once or twice, that is all.

Q. What did you say to him on the other occasion? A. Nothing at all.

Q. How did you come to see him? A. He visited me at the station-house one day.

Q. He called on you? A. After I had been introduced to him, I think; I almost forget now.

By Chairman Lexow:

Q. Had you made an application to be appointed? A. No, sir.

Q. How did he know you wanted to be appointed captain? A. I suppose he thought as sergeant of the police if I could get the appointment I would take it.

Q. Did he say he had influence? A. He didn't exactly say; he led me to believe that I could get that position for \$2,000; that is the way he spoke at the time.

By Mr. Moss:

Q. Now, would you give us the language he used? A. No, I could not.

Q. Get as near to it as you can? A. Well, he said something or other; he thought I ought to be a captain; something like that; and thought it could be arranged and so forth; I told him I was opposed to anything of that kind; he said, "He thought about \$2,000 would bring it."

Q. Did you talk to anybody else on that subject after he had mentioned it to you? A. I mentioned it to a friend of mine.

Q. Who was that? A. His name was Merrill; he lived in the Ninth ward.

Q. Was he a politician? A. He was a Republican.

Q. What was your conversation with Merrill? A. I told him what was said to me; he said, "Don't you do anything of the kind;" I said, "That is what I told the man I wouldn't."

Q. Did you see Mr. Nichols? A. I have often seen Nichols.

Q. I meant to speak to him? A. Never on that subject, no sir.

Q. Was any other approach made to you? A. None but that; not on that.

Q. Did you talk with anyone else about your being promoted? A. I don't ever recollect of having done so.

Q. Do you know of any other case where money has been mentioned as a means of getting promotion? A. No, sir.

Q. You do not know of any other specific case? A. No, sir; I have no personal knowledge of any other money ever being paid.

Q. Or about suggestions being made to officers? A. No, sir; I don't know of any, I don't recollect of any; there may be such a thing, but I don't recollect it now.

Q. It has reached the dimensions of common remark among the force? A. That is the way they were talking.

By Chairman Lexow:

Q. Do you mean to be understood that there was a common rumor among the force that whenever a promotion was made that money was the consideration that brought it about? A. That is the way it was talked.

Q. That was the general understanding? A. Yes, sir.

Q. So that when a man desired promotion he assumed that he would have to prepare himself with the necessary legal tenders to secure it; that was it? A. That is the way I understood it.

Q. Did that extend to all promotions? A. That is the way I understood it.

By Senator O'Connor:

Q. Was there anything of that kind when you were promoted? A. No, sir.

Q. How long ago was it? A. Mr. Acton was the man who appointed me.

Q. That was way back in the sixties, was it not? A. Yes, sir.

By Mr. Moss:

Q. There is a common understanding that a captain can make that good; the money he has to pay? A. I couldn't say that.

Q. Isn't there a general understanding that when a captain has paid a certain amount of money for his appointment that he can get the money out of the precinct to recover himself? A. Well, I couldn't say; I have no knowledge of that at all.

By Chairman Lexow:

Q. Is there a rumor to that effect; is there an understanding among the force that when large sums were paid for promotions that these men would get that back out of their precincts? A. I couldn't say that.

By Mr. Moss:

Q. How do you account for the existence of houses of ill-fame, gambling-houses and policy shops in this city? A. I think they can be closed; that is my opinion.

Q. That is your opinion as an old sergeant? A. Yes; I think they can be closed.

Q. It is not impossible to close them? A. No.

Q. All that the police captain has got to do is to put down his foot and say "close?" A. They have got to take them to court.

Q. He does not have to go so far as to go to court? A. I think it is the proper way.

Q. He doesn't do so? A. I suppose he does, actually.

Q. As matter of fact, does he? A. I think he does; yes, sir.

Q. Suppose a captain really wants to close a certain house of ill-fame, does not the captain send for the person and tell her she must go? A. They might do it in some instances.

Q. They do it, do they not; they do tell these people to close their houses? A. I don't know whether they do or not; I haven't heard them tell them.

Q. They tell them to close their houses, do they not; the captains? A. I couldn't say that, for I never heard one.

Q. You never heard one? A. No, sir.

By Senator O'Connor:

Q. What is it you know about it yourself, sergeant; it is pretty generally known by the boys around town where there are houses of ill-fame and gambling-houses, don't they generally? A. I suppose they do.

Q. Is that not also within the knowledge of the police? A. Well, I will tell you, it is hard for a policeman to be positive, without he has done something that no man should do as a police officer.

By Mr. Moss:

Q. You do not understand that it is necessary to get evidence against a house of ill-fame, do you? A. It is necessary to have somebody come to the front and go to the court so that you can swear out a warrant against that place, that such and such is the fact there; that is the only way you can do it.

Q. You know the general reputation is proof now against a house, don't you; that is one of the elements, is it not? A. How long since?

Q. For some time, and solicitations from the windows? A. Solicitation from the window; yes; that is evidence.

Q. Now, can a house of ill-fame run openly by solicitations from the windows and doors, and the front door open for business for men to go in and out, and for policy shops to be in existence, people going in and out buying slips, and pool-rooms be in existence with people going in and buying pool-slips upon the horse races, and big gambling-houses be in operation with men going up and down stairs and placing their bets — can these things be in operation in a precinct without the police knowing it? A. It hadn't ought to.

Q. Can they? A. I don't think it is possible.

Q. It is impossible? A. I think so, yes, sir.

Q. And the machinery is adequate in the various precincts to bring these men to public attention and into the courts, is that not so? A. Yes, sir.

By Chairman Lexow:

Q. Is it not a fact that if a captain sends word to the keeper of the brothel or to one of these other houses that have been mentioned in the question of counsel to close up, they would close up, would they not? A. Well, I wouldn't want to say on that point; I am not positive on that.

By Mr. Moss:

Q. If a man does his duty, as you would for instance, seeing a house of ill-fame, or a saloon violating the Sunday law, if you as a subordinate officer, or any subordinate officer should on his own motion start the machinery of the law against this place would he get into trouble? A. Well, it is hard to answer that question.

Q. What would you feel about that; would a subordinate officer bear upon his own responsibility to move at once against such a violation of law as I have mentioned? A. I don't think he would hardly want to do it; I don't think he would hardly want to do it; I don't know.

Q. He would want to go slow first, would he not? A. No, if he saw the law really openly violated.

Q. An assault on the street of course he would have to arrest; but if he knew that a saloon was running by the side-door entrance and a great many people going in and out, would he move against that saloon at once? A. He should do it.

Q. Would he do it? A. I can not tell you what another man would do.

Q. Would you? A. Yes, sir; I would do it.

Q. You are a specially brave man? A. I don't know as I am; there are plenty of others, there are plenty of brave men in the police department.

By Senator O'Connor:

Q. You take an officer on the force who is active and who is ambitious, he would soon have it intimated to him that he was a trifle too fresh or something of that kind, and he wait for orders; is there not a feeling of that kind with the officers on the force? A. I wouldn't like to say that.

By Mr. Moss:

Q. Have you known where officers have moved on their own responsibility and been called down for it? A. I have no personal knowledge.

Q. You have heard of such cases, have you not? A. I have heard of remarks; nothing positive.

Q. There is an impression in the department, that a man must go slow about certain kinds of lawbreaking; is there not; not to do too much on his own responsibility—is there not such an impression? A. Well, it may exist with some of the force; no doubt it does.

Mr. Moss.—I read this communication from the police department at this point:

“Mr. Frank Moss:

“Dear Sir.—Replying to your favor of this date, I find from the records that there are 512 members of the police force liable to retirement, from having served 20 years, viz.: One superintendent, four inspectors, 28 captains, 90 sergeants, 15 detective-sergeants, 366 roundsmen and patrolmen and seven doormen. Of this number the following named officers have filed their applications for retirement, viz.:

“Captain Thomas Reilly, Twenty-third precinct; Sergeant John J. Taylor, Thirty-seventh precinct; Sergeant Wm. O'Toole,
L. 581.

Third precinct; Detective-Sergeants Silas W. Rogers, Michael Crowley, Samuel G. Sheldon, Charles O'Connor; Patrolmen, Thomas J. Carten, Nineteenth precinct; Charles O. Dooley, Twenty-eighth precinct; John McCabe, Twenty-eighth precinct; Dennis McMahon, Twenty-eighth precinct; Warren Harrington, Sanitary Company; John Fay, Fifth court; William Mulcahey, Sanitary Company; and Henry McArdle, Twenty-seventh precinct; doorman, Solomon F. Brundage, Thirty-first precinct; and Sergeant Horace M. Wells, Third precinct.

"To the above it should be added 'have served over 20 years, and are liable to retirement.'"

"Very respectfully,

"WM. H. KIPP,

"Chief Clerk."

Mr. Moss.—So the committee conceived, that if all the officers that are entitled to retirement should take advantage of the law we should miss 28 captains.

Senator O'Connor.—If that is their right now, can it be taken away from them unless they are dismissed for cause?

Mr. Moss.—I think the right is not vested until they actually get the pension.

Chairman Lexow.—As I understand it is discretionary with the commissioners to retire them. Has not the General Term of the Supreme Court held that recently?

Mr. Goff.—It has been so held. I might say that I read in the morning's papers that of the men examined yesterday at police headquarters, the names of which I have given here in this communication, that the board of surgeons declare that there was not one of them physically incapacitated.

Mr. Moss.—I think the decision you refer to is only a Special Term decision.

Chairman Lexow.—The fact is that this police pension fund is made up largely of fines and other things, excise money, that if not diverted into that fund could be applicable to the general expenses of the city.

Mr. Goff.—Contributions from policy-men and others not counted.

Senator O'Connor.—If it did not go into this fund it would go into the revenues of the city.

Mr. Goff.—It could be turned into the public treasury.

Senator O'Connor.—And to that extent diminish the public burden.

Mr. Goff.—Decidedly.

Hannah Rosenthal, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. You have just been brought down to court by one of our subpoena servers? A. Yes, sir.

Q. You have been the subject of some unpleasant notoriety in the newspapers recently, have you not? A. Yes, sir.

Q. Owing to an unfortunate arrest made on you? A. Yes, sir.

Q. How old are you? A. I am 19 years old.

Q. And you reside with your father? A. Yes, sir.

Q. And your mother? A. I have not any.

Q. Your mother is dead? A. Yes, sir; I have a stepmother.

Q. Are there other children in the family besides yourself? A. I have one right sister and two step.

Q. Any brothers? A. One stepbrother.

Q. And the family all live together? A. Yes, sir.

Q. Where do you reside with your family? A. Three hundred and ten East Eightieth street.

Q. Your father is in business, is he? A. Yes, sir.

Q. What business is he in? A. In the jewelry business.

Q. Where is his business located? A. On the corner of New Chambers and New Bowery.

Q. Is your father the support of the family? A. Yes, sir; he is.

Q. You are the eldest, I presume? A. Yes, sir.

Q. All the children, both right and stepbrothers and sisters, are all younger than you are? A. Yes, sir.

Q. And your father supports the whole family? A. Yes, sir.

Q. You have lived with your family all your lifetime? A. All the time; I have never been away.

Q. You have been to school in this city? A. Yes, sir; I used to go to the Twelfth street school.

Q. Twelfth street school, near Sixth avenue? A. University place.

Q. You went there until you were how old? A. I was nearly 16.

Q. Nearly 16 when you left Twelfth street school — did you graduate? A. No, sir.

Q. Since you left school you have remained at home? A. Yes, sir.

Q. Do housework for your family? A. Yes, sir.

Q. Help in home matters? A. Yes, sir.

Q. Never had any trouble with your family, have you? A. No, sir; never had any trouble with them.

Q. Nor have you, up to this unfortunate occurrence the other night, had any trouble with any person? A. No, sir.

Q. Now, just tell me about the other night, where you were, just commence at the beginning—what time did you leave your house? A. I left my house about half-past 5.

Q. In the evening? A. Yes, sir.

Q. And who was with you? A. There was nobody with me.

Q. Where did you intend to go? A. Down to my aunt's house.

Q. And where was that? A. In Houston street.

Q. You have been in the habit of visiting your aunt? A. Yes, sir.

Q. You went down to your aunt's house, did you? A. Yes, sir; I did.

Q. And you saw your aunt? A. Yes, sir.

Q. What is her name? A. Her name is Mrs. Caroline Waters.

Q. About how long did you remain in your aunt's house? A. Well, we had supper there, and after supper I said to her, "Would you mind going up to see Macy's, to see the panorama?"

Q. That is the Christmas panorama? A. Yes, sir.

Q. That they have arranged for Christmas; that is what you mean, is it not? A. Yes, sir.

Q. What did your aunt say? A. She said, "Yes; she would go with me."

Q. Your aunt is a married woman? A. Yes, sir.

Q. And lives with her husband? A. Yes, sir.

Q. She is a thoroughly respectable and reputable woman? A. Yes, sir.

Q. Is she an aunt of yours on your mother or father's side? A. On my father's side.

Q. Your father's sister? A. Yes, sir.

Q. Did your aunt go with you up to Macy's? A. Yes, sir; she did.

Q. Now, tell me how you left the house, what street you walked upon and what course you took? A. Well, we left the house about quarter to 8; we walked all the way through Second avenue as far as Fourteenth street; we went all the

way through Fourteenth street to Macy's, and, of course, we stopped there about half an hour watching the window and then slowly walked toward home.

Q. You walked along Fourteenth street until you reached Second avenue? A. Third avenue.

Q. You walked down Third avenue? A. Until I got to Eighth street.

Q. Now, what occurred there? A. My aunt was complaining of her feet, saying she was kind of weak all the evening, as she is; she is not very strong, and, of course, she said she would go down with the cable car; she said, "Now, good night, Hannah; you go along home;" and I said, "All right; I will be home by 10 o'clock;" it was then 25 minutes to 10.

Q. This was on the corner of Eighth street and Third avenue? A. Yes, sir; so, of course, I went along down; she was watching me; as I got near to Second avenue, I turned around and seen my aunt coming slowly down again.

Q. You did not wait to see her get on the cable car? A. No, sir.

Q. You started down to Second avenue to get the car on Second avenue? A. To get the elevated road at Eighth street.

Q. That goes near your house? A. Yes, sir.

Q. In walking down Eighth street, you say you looked back and saw your aunt standing on the corner and watching you? A. Yes, sir.

Q. Or slowly walking toward you? A. I have the habit of waving my hand to her generally, as I always do; she was on the corner and I turned around and I waved my hand, and then, of course, I see her and happened to lean against the railing, and with that, a gentleman passed me and come up and spoke to me.

Q. While you were leaning against the railing and waving your hand to your aunt on the corner? A. Yes, sir.

Q. How far were you from your aunt at the time? A. I was about half a block.

Q. This gentleman that spoke to you, did you know him, or did you ever see him before? A. No, sir; I never seen him before.

Q. Was this the policeman? A. I don't know; he was in citizen's clothes.

Q. What did this person say to you who approached you? A. Well, he came up to me and told me something about

coming out of some place up there; I didn't take no notice of what he said.

Q. I want to get his words as nearly as you can recollect them; this is an opportunity for you to present this very painful matter in its true aspect, and I want to get his words from you as nearly as you could recollect them; just give us his words; don't be backward; we all understand your position?

A. Well, he came up to me; he commenced talking to me about a lot of nonsense; I seemed to get amused at him; he kept on talking to me about going to the places that was not proper.

Q. You see you are giving us your description of what he said; we would like to have his words as nearly as you can recollect them; give us his language; just what he said to you and just what you said to him; give us the conversation as nearly as you can recollect it? A. He came up to me; he asked me if I was lonely standing; I said, "No, sir; I am not lonely;" I said, "The city of New York is a great city to be in and not be lonely; he commenced to get in conversation with me; he asked me if I would go with him anywhere to a place; I said, "I don't know what you mean;" he said, "Won't you go to a hotel with me;" and he said, "I will see it will be all right with you, if you go with me;" so I said, "No, sir; I will not go with you;" and he turned around and he said, "Now, I have got you under arrest;" I said, "What for have you got me under arrest;" he said, "Never mind, now, you come along with me;" I turned around and I said, "There is a lady coming there, my aunt, and I am not going to go, I am going to call her;" he said, "Never mind, don't call her, come along with me and don't make any noise;" I said, "I will not go with you until my aunt comes up with me;" I stood against that railing until she got to me; when she got to me she was thunderstruck, she couldn't imagine what had happened; she asked me, and she said to the man, "You have made a great mistake here, please let the girl be;" he said, "No, I can not, she is in my charge and I am going to keep her;" we went along Second avenue, my aunt was telling him he had made a mistake, and he said, "You go about your business or else I will have to take you in too;" my aunt said, "You have no charge against me; you can not take me;" all the time he was telling my aunt to go about her business and insulting her until we got to Fifth street, and there he wouldn't notice her at all; but went up to the sergeant at the desk.

Q. What was the charge? A. For soliciting, for improper conduct.

Q. He charged you with soliciting him? A. No, he didn't exactly charge me with soliciting him, but he meant soliciting anybody.

Q. Generally soliciting? A. Yes, sir.

Q. Soliciting on the street? A. Yes, sir.

Q. What did you say at the time before the sergeant? A. To tell the truth I was kind of nervous and excited and I don't know what I said; I don't recollect.

Q. Was that the first time you were ever inside a station-house? A. Yes, sir.

Q. You did not know until this man said he had you under arrest that he was a policeman, did you? A. No, sir; I didn't know until he said he had me under arrest.

Q. Did he say he was a policeman? A. He said he was a policeman, but he did not show his badge.

Q. He merely said he was a policeman? A. That is all.

Q. A sergeant took down that charge? A. Yes, sir.

Q. Soliciting? A. And disorderly conduct.

Q. What was done with you? A. Well. I was taken from Fifth street down to Union market.

Q. By the same policeman? A. No, sir; by a policeman that was on the beat down in Fifth street.

Q. A policeman in uniform? A. Yes, sir.

Q. Was it the sergeant that directed that policeman to take you to Union market? A. Yes, sir.

Q. Did your aunt accompany you? A. She accompanied me half a block; she asked me what she could do; she was confused; and I told her the first thing to do was to send for my father; she left me and ran home, and she couldn't hardly talk to my uncle when she got there; my uncle couldn't imagine what happened; my uncle was asleep when she got home, but she got him up and when he got up there at my father's he didn't believe it; my father didn't know what to do; he got his hat and coat on and got down to Union market a little before 12 o'clock at night.

Q. Were you put in charge of the matron at Union market? A. Yes, sir.

Q. In a room? A. No, sir; I was put in a cell.

By Chairman Lexow:

Q. Alone? A. Yes, sir.

By Mr. Goff:

Q. Just tell us about that cell; describe it to us; was there a bench to it? A. Well, there was a board; there is supposed to be a bench.

Q. A plank? A. Yes, sir.

Q. Small place? A. Yes, sir; small place.

Q. You were locked in the cell? A. Yes, sir.

Q. When your father got down to the police-station what took place then? A. He offered the sergeant at the desk \$500 in cash money if he would release me until the morning.

By Chairman Lexow:

Q. As bail? A. Yes, sir.

By Mr. Goff:

Q. And were you released? A. No, sir.

Q. You were kept there all night? A. Yes, sir.

Q. The sergeant refused to let you go? A. On cash money; he wanted bonds.

Chairman Lexow.—Is there anything in that point?

Mr. Goff.—I do not think the police sergeants are permitted by law to accept money deposits in lieu of bonds; they must accept bonds; but it is apparent that a man having possession of money in that sum could get bail for a mere misdemeanor, the highest fine for which could possibly only be \$10. He evidently was not a professional bondsman. According to the law a police sergeant in a certain class of misdemeanors is only entitled to exact a bond in double the amount, which would have been \$20.

Q. Well, you were kept there all night? A. Yes, sir.

Q. And next morning you were taken to court? A. Yes, sir.

Q. Who took you to court? A. The policeman that arrested me.

Q. Was he in uniform then? A. No, sir; he was in citizen's clothes.

Q. What is his name? A. His name is Thomas Gill.

Q. You were brought to Essex Market court, were you not?
A. Yes, sir.

Q. How were you disposed of when you got to Essex Market?
A. Well, now on the way he told me what to say to the judge.

Q. What did he say to you? A. The first thing he asked me if I would have coffee with him.

Q. Did he take you out of the cell in the station-house? A. Yes, sir; an officer took me out.

Q. A man in uniform? A. Yes, sir.

Q. And you were brought up before the sergeant at the desk, were you? A. Yes, sir.

Q. And then this Gill took charge of you? A. Yes, sir.

Q. On the way out, walking along the street, you say he conversed with you? A. Yes, sir.

Q. What was the first thing he said? A. He asked me if they gave me any coffee there; I said to him, "No, sir;" he said, "Why, don't you want any;" I said, "No, sir;" he said, "Don't you want nothing at all;" I said, "No, sir; I don't wish anything;" and he kept on talking to me about different things; "Now," he said, "you just tell the judge you have made a great mistake and you won't do it any more;" and with that I didn't answer him; he said, "A good-looking girl like you—why don't you get married and settle down;" and he asked me if I was going around the street; if some fellow got me around the street to make a living for him.

Q. What did you say to all this? A. I didn't like to answer him, because I felt kind of down on him; I didn't want to talk to him all the way, but he kept on talking to me.

Q. He told you to say to the judge that you were sorry and that you wouldn't do it again? A. To say that I made a mistake and I wouldn't do it again.

Q. When you were brought to court, where were you placed?
A. I was taken downstairs where there were a lot of tramps, and he pushed me right into the room quite roughly.

Q. The policeman? A. The gentleman that took me all the way.

Q. Gill? A. Yes, sir.

Q. He pushed you in? A. Yes, sir; acted very roughly and put me in a room where there was a lot of tramps.

Q. Male or female tramps? A. Female.

Q. Rough-looking women? A. Yes, sir.

Q. Did you hear these women talk while you were there?
A. No, sir; they seemed to be very quiet.

Q. How many women were there? A. There was around about a dozen.

Q. About a dozen women? A. Yes, sir.

Q. Was their appearance in their clothing and so forth disarranged? A. I might as well say tramps; these women they pick off the streets.

Q. How long did you remain there? A. I didn't remain longer than about 10 minutes, as my aunt was watching for me from 7 in the morning, and she went to the sergeant and asked him if she could see me.

Q. To the sergeant of the police court? A. Yes, sir; and he sent right down word that I should be taken out and be seated outside with my aunt.

Q. Let us have that sergeant's name? A. I couldn't tell you the name of the sergeant; I don't know.

Q. We want to have the name of the good as well as the bad; however, it was the sergeant in charge of the court? A. Yes, sir.

Q. You were then taken out of the prisoners' pen and seated alongside of your aunt? A. Yes, sir.

Q. I suppose the next thing that occurred was that you were arraigned before the judge? A. Yes, sir.

Q. And what did the officer say — did you see that the officer took an oath? A. Yes, sir; he took an oath.

Q. What did he say? A. He told the judge that he was four years on the force, and he is only two and a half years on the force.

Q. How did you find that out? A. We were told; they have his record, and I was over at headquarters this morning.

Q. And you were informed there that he was only two and a half years on the force? A. Two and a half years on the force.

Q. He said he was four years on the force? A. Yes, sir.

Q. What else did he say? A. He said that I came up and spoke to him, and that I made a proposition to him to go to a place with me; that I named a price to go with him.

Q. What did he say; did he name the price himself in dollars; did he say \$3 or \$2? A. No; he said to go to a place would be \$1, and he named a price to go would be \$1.50, he told the judge, and he said to the judge that I made a proposition to him; that I wanted to go with him, and he said to the judge

that I said if it was not so early in the evening I would have taken him up to my house.

Q. Did he say you told him where you lived? A. No, sir.

Q. But that if it was not so early in the evening he said you would have taken him home to your house? A. Yes, sir.

Q. Anything else that he said? A. Well, to tell the truth I was so excited.

Q. Did you have a lawyer? A. No, sir.

Q. Were you called upon to say anything? A. I was called upon to say something, but I don't know what I did say.

Q. You were pretty well worked up with excitement, were you not? A. Yes, sir.

Q. And with fear? A. I was crying all night, and they had to make me keep quiet about a dozen times.

Q. Who had to keep you quiet? A. The matron.

Q. She heard you crying? A. Yes, sir; I was crying all night.

Q. She told you to keep quiet? A. Yes, sir.

Q. She treated you kindly, I suppose? A. Yes, sir.

Q. Then the judge gave you a lecture, did he not? A. Yes.

Q. And told you not to do it again? A. He told me not to smile on strangers.

Q. He did discharge you? A. Yes, sir; after he heard my aunt's story he discharged me.

Q. It was your aunt that spoke? A. My aunt spoke after me.

Q. That ended the matter? A. Yes, sir; the World reporter spoke up to the judge.

Q. Did he know something? A. He said to the judge that he would like to see this case sifted right through to the end; he wanted to see full particulars of the whole case.

Q. Now, you have never been in any kind of trouble with anyone, you say? A. No, sir.

Q. Do you swear here that everything that the policeman said with regard to you soliciting him was absolutely false? A. Yes, sir.

Q. Absolutely? A. Yes, sir.

Q. Have you ever gone out at night with male acquaintances outside of your family? A. No, sir.

Q. And you swear here that you are a thoroughly proper and virtuous girl? A. Yes, sir.

Q. Can you defy anyone to say to the contrary? A. Yes, sir.

By Senator Bradley:

Q. Did I understand you to say that while the policeman was conducting you from the station-house to the court he asked you to have coffee? A. Yes, sir.

Q. And you refused? A. I refused; he persuaded me and even asked me if I wouldn't like to have anything at all; and I said, "No, sir."

Q. He was very accommodating? A. Yes, sir; he was; and tried to crack jokes, and tried to make me smile, and I told him I was not in a position to laugh.

Senator O'Connor.—What was done with Gill, the officer, anything?

Mr. Goff.—Not that we know of; the latest I have heard of him is that he has been sued for breach of promise by a woman he seduced.

Senator Bradley.—Then he is on the road to promotion.

Mr. Goff.—I wish to say here that we have information, that we are endeavoring to have it verified by testimony, it may be a difficult matter for us to get the principal witness in the case, of a girl similarly situated to this girl, that was sent up for two months on the island; she was not fortunate enough to have a father or an aunt; but she was a respectable, virtuous girl, and sent for two months up to the island. Now, I have mentioned this before, and I don't wish to refer to it except to show how the common sense and feeling of humanity in all cities of the world can revolt and has revolted at such transactions as these. About four years ago, to the best of my recollection, a member of the metropolitan police force of the city of London accosted a seamstress while she was crossing Trafalgar square, and he threatened to arrest her—she had been working late at her trade in a respectable family as a seamstress; she was hurrying home; while crossing the square a policeman accosted her and threatened to arrest her for soliciting if she did not give him a shilling. The girl became frightened and appealed to some passersby, and they remonstrated with the policeman so forcibly that the girl was let go. The matter did not end there, it became a question of national importance, so that the minister was questioned about it in the House of Commons, and the ministry had to promise, and they did institute a thorough investigation touching the incident; and the result of the investigation was that the head of the police department resigned.

and a mass-meeting was held about it in the city of London to denounce the outrage.

Chairman Lexow.— You consider that a striking contrast to the present situation?

Mr. Goff.— It struck me as so remarkable that I thought we would inform the Senate and have it on record; this matter is only about 48 hours old, or a little more.

Q. What night was it? A. Last Friday night.

Mr. Goff.— And we thought we would present this striking illustration to the committee red hot; red-handed as it were.

Chairman Lexow.— Why don't you call Gill here and see whether he wants to vindicate himself?

Mr. Goff.— May I issue a general and special invitation to him to do so?

Chairman Lexow.— Yes.

Senator O'Connor.— Special and particular one.

Chairman Lexow.— All witnesses subpoenaed for this morning will attend here again at quarter of 3; the committee will stand adjourned until that time.

AFTERNOON SESSION.

New York, December 11, 1894.

Present.— Senators Edmund O'Connor, Daniel Bradley, Cuthbert W. Pound and George W. Robertson; counsel as before.

Mr. Goff.— Mr. Horner is here under subpoena, but we wish now to release him from his attendance as a witness in this court. I believe the officers of the law are arranging for an interview with Mr. Horner, and I think we had better release him as a witness.

Senator Pound.— Mr. Horner is released from further attendance on this committee.

Mr. Moss.— Mr. Chairman, at the last session we had the testimony of Mr. Costello in reference to misconduct by Captain McLaughlin, inspector now, and Inspector Williams; and from the public prints we see that both of these officers are following the customary course of officers of that department by throwing out insinuations and making threats against Mr. Costello; we deem it important for Mr. Costello's sake, for the purposes of this investigation and for the record's sake to produce the cor-

roborative evidence that is in our possession so that thing may be established as it is; and if these gentlemen want to investigate it in their own way they are at liberty to do so. I will first call Mr. Hummel.

Abraham S. Hummel, a witness called on behalf of the State, being duly sworn, testified as follows:

Examined by Mr. Moss:

Q. You are a lawyer? A. I am, sir.

Q. And a member of the firm of Howe & Hummel? A. Yes, sir.

Q. Do you know Mr. Costello, here present? A. Very well, sir.

Q. Do you remember an occasion, in November, 1888, when you defended Mr. Costello in a police court? A. I do, sir.

Q. Will you state how Mr. Costello appeared when you saw him? A. Mr. Costello, on the occasion to which you refer, was in a very badly bruised condition, so far as his face was concerned; he seemed almost unrecognizable to me when he introduced himself as the Mr. Augustine E. Costello whom I had known for sometime prior to that.

Q. How was his clothing? A. His clothing looked a little worse for wear; immediate wear; it seemed to be soiled and crumpled.

Q. Where was it that you saw him? A. I saw him in the Tombs police court, where he was arraigned as defendant.

Q. And you appeared for him in that proceeding? A. I was retained at the personal instance of Mr. Costello, whom I had known as a friend for a number of years prior, and at the special, urgent solicitation of a gentleman by the name of Duffy; a member of the bar of the Long Island district; I believe the second department; Mr. Duffy called on me incidentally first and represented to me that Mr. Costello desired my personal attendance in a matter at the Tombs police court; I suggested that Mr. Duffy might appear for him himself, and he said that Mr. Costello preferred that he should have my personal services inasmuch as I knew him very intimately, and he would feel, all things considered, safer in our united hands; Mr. Duffy being, as I have heretofore stated, a member of the bar of the

second judicial department, and not being known in the courts of this department.

Q. You have spoken of some acquaintance with Mr. Costello; was it sufficient for you to state the general character of the man? A. Yes, sir; I had known Mr. Costello for five or six or seven years prior to this incident, as being the representative of the New York Herald, in the capacity of what is known as police headquarters reporter; he had been assigned to police headquarters work to my personal knowledge for quite a number of years; doing that special work exclusively; I had known him also in connection with the work which he had written in reference to the members of the police department, and in the course of my practice I must have, on an average, met Mr. Costello very, very frequently, indeed.

Q. What will you say of his character? A. So far as I knew Mr. Costello's character was irreproachable in the extreme; he was a member of the press; he was a reporter whose word I would take as quickly as I would the word of a President of the United States — unquestioned.

By Senator Pound: :

Q. Was that his reputation among the people where he was known? A. His reputation among the people where he was known was that of a first-class, honorable newspaper man; and a higher compliment I can not pay him.

By Mr. Moss:

Q. What was the nature of the charge against him on the morning that you speak of? A. It was an involver regarding his book; the exact details I don't know; because, if you are aware, I have on an average two or three new cases in my office every day; I knew that Mr. Costello had seen me prior to that in reference to the book; I recollect the majority of the facts set forth in his book and for what purpose it was printed, and incidentally I recollected that he had said a kind word of my senior, my partner, Mr. Howe; I believe he furnished a photograph of Mr. Howe with the book, and I was specially, personally interested to see that Mr. Costello was very well taken care of, as matter of courtesy to Mr. Costello.

Q. Then you were pretty well acquainted with this book enterprise? A. As an ordinary man of the world would be, superficially, with any book that comes his way; such as his book, *Trilby*, or *The Green Incarnation*; neither of which have I ever read thoroughly through.

Q. From what you knew of the book and his relations to the book enterprise, that didn't lower his standard in your estimation? A. It elevated it, if possible.

Q. What was the result of the proceeding in the police court? A. The proceeding terminated, as I predicted it would, in a dismissal of the proceeding and an honorable acquittal of the charges preferred against Mr. Costello.

Q. There was no basis for any charge? A. There should not have been an arrest of Mr. Costello.

Q. You had some conversation with Mr. Costello concerning the happenings which brought about these results, didn't you, at the time? A. I must have informed myself of the fact, as I recollect it now.

Q. Do you remember what he said to you about the cause of his injuries? A. He stated at that time, generally, that he had received his mishandlement, if you will permit the coinage of the word, at the police station, and my remark to him then was that any person who was connected with such an outrageous assault should have been, in the vulgar parlance of police literature, broken or "broke."

Q. You understood him to say that the persons in charge of the station-house were responsible? A. Who the persons were I could not recollect to-day.

Q. But he laid it to the persons who were in charge of the station-house that night? A. Those that were there.

Q. To the men, whoever were there at that time? A. Mr. Costello knows that.

Q. Mr. Costello has stated that Captain McLaughlin was in charge; you don't know anything to negative that, do you? A. I —

Q. Or anything which Mr. Costello stated, contrary to that? A. I couldn't testify and would not and do not mean to testify that Mr. Costello stated anything contrary to that.

By Senator Bradley:

Q. Who appeared as the complainants on that occasion? A. There was a complainant, and, as is invariably the custom, a

police officer who has—as is invariably the custom, he appeared to be complainant, prosecuting officer and general statee of any facts that occur in a police court.

Q. Did Captain McLaughlin put in an appearance? **A.** I didn't see Captain McLaughlin; no, sir.

Q. Did Mr. Costello inform you or say to you that he had been struck by brass knuckles by Captain McLaughlin on that occasion? **A.** Mr. Costello told me something about the time that this matter occurred in reference to the assault; now, as to who committed the assault and as to what weapon it was committed with, I couldn't honestly, conscientiously testify to-day; that is a matter of lapse of recollection; I couldn't tell you any more than I could tell you who I saw here to-day.

Q. You don't remember the words "brass knuckles" being used at all? **A.** I rather imagine that some substance other than the naked fist must have been used on Mr. Costello's face, from his disfigurement on the occasion, because I was horrified at his appearance.

Q. You had an idea that the natural hand couldn't cause these wounds? **A.** Certainly mine could not.

By Mr. Moss:

Q. How about Senator Bradley's? **A.** I will yield to the Senator.

Charles T. Duffy, a witness called on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. You are a lawyer, are you? **A.** I am.

Q. Practicing in what city? **A.** In New York city.

Q. You have known Mr. Costello here for some time, haven't you? **A.** For 15 years.

Q. What can you say of your acquaintance of him and of his character as you know him? **A.** I can say that he is a thoroughly honorable man; that I believe that he would tell nothing but the truth, and I knew him as a newspaper man of talent and ability.

Q. Are you the Mr. Duffy to whom reference was made as his counsel in November, 1888? **A.** I am, sir; I was acting as his counsel in matters connected with his books at that time.

Q. Then you are quite familiar with the matters of the books?
A. I am; yes, sir.

Q. When did you first see him after the assault was committed on him; how long after? A. Mr. Stanley, his book-keeper, came to me at my office 318 Broadway about 9:30 on a morning in November, 1888; the precise date I don't recollect; he asked me to go around to the Tombs police court, and told me Mr. Costello was in trouble; I went with Mr. Stanley and I saw Mr. Costello; he was battered almost beyond recognition; there were cuts on his nose; there were abrasions on his cheeks, and his clothing was soiled and disfigured as if he was in the mud; he was so nervous and helpless—I had known him as a self-reliant man, a competent man; he put his hand in mine and asked me to protect him; he was totally unnerved and battered, as I say, almost beyond recognition.

Q. Did you talk to him about the cause of his injuries? A. I did, sir.

Q. What did he say to you? A. He said that two of his men had been arrested on some charge, the precise nature of which I don't recollect; that he had gone to police headquarters to see Inspector Williams concerning their release; that while he was at police headquarters Captain McLaughlin, a detective Oakes or Oates had gone to headquarters to bring him down in the First precinct, Coenties Slip.

By Senator Bradley:

Q. Old Slip? A. Old Slip; that he reached there about 11 at night, as I recollect it, and that when he was in front of the station-house that Captain McLaughlin said, "Let go;" and that he was immediately assaulted by two or three men, and that the injuries that I saw that morning were the result of that assault.

Q. Did he speak of Captain McLaughlin in connection with the assault? A. He did, sir; he told me that Captain McLaughlin was one that assaulted him.

Q. Did he speak of brass knuckles? A. My recollection is that he did; I won't be positive about that; my best recollection is that he had.

Q. In your judgment could the injuries that you saw have been inflicted by the naked fist? A. Possibly, but probably not; possibly, but probably not.

Q. Was the skin broken? A. It was.

Q. Are you quite sure that Mr. Costello said that Captain McLaughlin went to police headquarters, or was it two detectives that went to headquarters and took him down to the station-house? A. Well, I won't be certain as to that; he was taken down by officers sent by Captain McLaughlin, either by Captain McLaughlin himself or the officers, one of whom was Detective Oakes.

Q. You remember Oakes' name? A. Yes, sir.

Q. And you remember Captain McLaughlin's name in connection with the assault itself? A. I do.

Q. You were present in the police court at the hearing, were you? A. I was.

Q. Do you remember the charge? A. The mutilation of evidence, as I recollect it.

Q. Was that charge sustained by testimony? A. The case was adjourned several times; I advised with Mr. Costello concerning the matter and Mr. Costello suggested that I see Mr. Hummel, and asked me if I had any objection to his seeing him; I said certainly not, and I rather advised that he should see Mr. Hummel; together we advised with Mr. Costello; he pleaded not guilty that day, and the case was adjourned several times; what the ultimate disposition of it was I couldn't say.

Q. Was Captain McLaughlin present in court? A. He was present in court; I saw Captain McLaughlin; I charged Captain McLaughlin with having made the assault.

Q. What did Captain McLaughlin say? A. He didn't deny it, but he said he and his detective would swear they did not do it.

Q. Now, won't you give us the exact language that he used in that statement? A. I don't recollect the precise language.

Q. Give it to us as nearly as you can? A. I know that I was sitting with Mr. Costello and Captain McLaughlin came over; I told him, "Captain McLaughlin, what right had you, when this man was under arrest, to assault this man in this way;" he said, "That he and his detective would swear that Costello was never assaulted, that he met with the injuries in his cell;" I asked him how; he didn't say.

Q. And that is all that he said in extenuation or in excuse or explanation of the charge that you made to him? A. That is all.

By Senator Pound:

Q. No charge made that Costello was disorderly or resisted the officers or brought these injuries upon himself by his own conduct? A. None at all, except the assertion that I say that Costello met with those injuries in his cell.

Q. They didn't claim that the injuries had been afflicted because it was necessary to use force to subdue him? A. They did not, sir.

By Mr. Moss:

Q. Did he say how such injuries could be afflicted in the cell; did he make any explanation of that? A. Not that I recollect; I won't swear that he didn't, but my best recollection is that he didn't.

Q. The charge was dismissed, was it not? A. Subsequently, I believe, yes; I don't know.

By Senator Pound:

Q. Mr. Costello never preferred any charge to your knowledge against Captain McLaughlin or any one else, or brought any action? A. We had a consultation regarding the advisability of doing so; I think Mr. Hummel and myself; I won't swear that Mr. Hummel was there; myself and Mr. Costello.

Q. You advised him not to? A. No; Mr. Costello and I agreed on this; there were three people that witnessed the assault, and probably what is one of the loneliest parts of the city after nightfall — Old Slip; we agreed that probably these people would swear that they never committed the assault; the police judge presiding, at that time, was Judge White, and I thought, under the circumstances, that to prefer the charge then would be of no utility; I didn't believe that the charge would be entertained; I so advised Mr. Costello; Mr. Costello coincided with my advice regarding the matter and so did Mr. Hummel.

Q. Did you take into consideration the bringing of a civil action for damages? A. That we thought of; yes, sir; and for the same reason that these three men — two detectives and a captain of police — would probably swear to one state of facts, and Mr. Costello would swear to the other; we deemed it inadvisable at the time.

Mr. Goff.—Right upon that question, Senators, it is but proper to state here that owing to the rule of law which limits

the responsibility in such cases to the policeman himself and not to the city, a great many innocent people who have been clubbed in our city have thought that the city was responsible for the actions of its employes; but the courts have held time and time again, that the city is not responsible, and then from the further fact that nearly every policeman in the city has his property in his wife's name, it has become a notorious thing that it is useless to bring an action for assault against a policeman.

Senator Pound.—Of course, it is understood everywhere, that it is a difficult action to sustain against a constable.

Mr. Goff.—But here even if the verdict be obtained, as they have been obtained, some verdicts in this city, in favor of the plaintiff, where the plaintiff has been clubbed, they have never been able to realize upon their verdict for the reasons that I have stated; that there is scarcely a man upon the force of any grade against whom execution will run, and whose property can be levied upon. Mr. Jerome reminds me now of the celebrated case of Mr. Fleming; I think it was a Decoration Day parade. Captain Williams clubbed him in Madison Square, and he got a judgment of \$2,500; but the judgment was never collected. We have never been able to get it on the record that a judgment against a police official has been paid.

Senator O'Connor.—It is like a judgment against Micawber.

Mr. Goff.—They are always waiting, Senator, for something to turn up.

Mr. Moss.—I might cite the very recent case of Thomas J. Stanton against Officer Schellenberger of the Eleventh precinct; Officer Schellenberger struck Mr. Stanton a tremendous blow with his fist. He is an athlete, and he smashed Mr. Stanton's nose so that the blood flowed from his eyes and his ears and he had to go to the hospital and be subjected to numerous operations and is a badly disfigured man to-day. He brought an action against Mr. Schellenberger to recover damages, and a curious spectacle is presented of an answer being served for Schellenberger by the corporation counsel for this city. I have that answer in my satchel. The citizen is put to the expense of prosecuting, and the officer is defended by the corporation counsel. That officer has been indicted by the grand jury for that assault.

Senator O'Connor.—Is it any part of the duty of the corporation counsel to defend officers?

Mr. Goff.—They have been doing it as a matter of courtesy to sustain the dignity of the buttons.

Senator O'Connor.—Lawyers don't generally do that.

Mr. Goff.—I know, but the corporation counsel is paid a big salary and he can afford to do it.

Mr. Moss.—This Officer Schellenberger is under indictment for that same offense but has never been suspended. He is doing duty to-day.

Michael Stanley, a witness called on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. Where do you reside? A. Forty-eight Sixth avenue, Brooklyn.

Q. You know Mr. Costello here? A. Yes, sir.

Q. Have known him for 27 years, I believe? A. Yes, sir.

Q. You have been associated with him in business? A. Yes, sir.

Q. Were you his bookkeeper? A. Yes, sir.

Q. You know all about this police book? A. Yes, sir.

Q. What do you know of Mr. Costello's character or his reputation for truthfulness? A. I don't know anything better, sir.

Q. Do you know anything good? A. Yes, sir; everything good.

By Senator O'Connor:

Q. His character is good for truth and veracity? A. Yes, sir.

Q. You would believe him anywhere under oath? A. Yes, sir.

By Senator Bradley:

Q. You would take his word for anything? A. Yes, sir.

By Mr. Moss:

Q. Do you remember the time of Mr. Costello's beating? A. Yes, sir.

Q. I want to call your attention to the night when he was arrested; tell us the first time and the circumstances when you met Mr. Costello that night? A. I was with him from 5 o'clock in the evening until about 12 o'clock that night.

Q. How did you come to be with him at 5 o'clock? A. As his confidential man and bookkeeper.

Q. Where were you — at the office opposite headquarters? A. I went from Fourteenth street, his office, to the Old Slip station; we arrived there about half-past 6 in the evening; Mr. Costello had an interview with Captain McLaughlin, went up-stairs into his private room; I remained down-stairs in the ordinary station-house while he had his interview with him up-stairs; after coming down-stairs we looked after the welfare of the two men that were down-stairs in the cells.

Q. How did you do that? A. By getting their suppers in and little requirements at the time; then we went to police headquarters to see what influence Mr. Costello would have with Inspector Williams to have them released on bail, and while there Mr. Costello was detained; at the time I couldn't exactly understand why he was detained.

Q. Do you remember when Mr. Costello first saw Williams? A. Between 7 and 8 o'clock that evening.

Q. Can you tell what was said just then, what transpired, who spoke first and what was said? A. Well, I couldn't exactly understand, but I understood that he was detained by Captain Williams, and at the time I couldn't exactly understand.

Q. You knew that he was detained? A. Yes, sir.

Q. Whereabouts was he held? A. In headquarters.

Q. In whose room? A. Captain Williams' room.

Q. Did you see him several times in the room? A. I was within five or six feet, or 10 feet of him.

Q. You remained in the room until 12 o'clock? A. Yes, sir.

Q. What happened about 12 o'clock? A. About 11 o'clock two detectives came in and we came down; they had to go to Old Slip station; I couldn't understand at the time what the meaning of it was; I knew there was some trouble, and before we got to the elevated station one of the detectives suggested that it would be a good thing to get a bond; then I knew the trouble.

Q. Suggested that to him? A. Yes, sir; one of the detectives; he suggested Judge Duffy and then where to find him; one of the detectives suggested to go to the old Stevens Hotel, the foot of Broadway, at the elevated steps; that was about 11 o'clock.

Q. You got down with the detectives and Mr. Costello to the Hanover Square station? A. Yes, sir.

Q. Of the elevated railroad? A. Yes, sir.

Q. And at the foot of the stairs, having been told by the detectives to go and get bail, you started off for the Stevens House? A. The old Stevens House, foot of Broadway.

Q. How far was the place where you separated from them — I believe that is the foot of the stairs? A. Yes, sir.

Q. From the steps of the station-house? A. It wouldn't exceed 75 yards.

Q. Did you see Mr. Costello start off toward the station-house with the detectives? A. Yes, sir.

Q. How far did you see him go? A. About from this to the wall; I went on my errand to the Stevens House.

Q. So, when you finally turned your eyes away from Costello, how near was he to the station-house? A. About half way.

Q. That would be about 30 yards from the station-house? A. Yes, sir; I looked back to see was he all right.

Q. Was he more than half a block from the station-house when you saw him on that occasion? A. About that, sir.

Q. About half a block? A. Yes, sir.

Q. He was then in the custody of these two detectives? A. Yes, sir.

Q. Was there anyone else upon the street, so far as you could see? A. No, sir; not so far as I could see.

Q. You four men were all that were visible? A. Yes, sir; it is a very lonesome locality at that hour of the night.

Q. Then you started for the Stevens House? A. Yes, sir.

Q. Did you find Judge Duffy there? A. No, sir; he had not been there for two years.

Q. Then what did you do? A. Went to the Astor House, and he hadn't been there; then I got anxious about Mr. Costello and started back to Old Slip station.

Q. You started from the railroad depot to the Stevens House? A. Yes, sir.

Q. And then to the Astor House? A. Yes, sir.

Q. You spent some time making inquiries? A. A minute.

Q. Then you went back to the Old Slip station? A. Yes, sir.

Q. Did you go into the station-house? A. Yes, sir.

Q. Tell us what transpired there; what you saw? A. When I entered the station-house — Captain McLaughlin's room is

about 25 feet from the entrance; I saw Mr. Costello in the office, in Captain McLaughlin's office.

Q. In Captain McLaughlin's private office? A. Yes, sir.

Q. You saw Mr. Costello there? A. Yes, sir; in a dilapidated condition; his hat was knocked in; his coat was all dirty, and there was blood on the side of his face, and I was anxious to go to him and see what was the matter; Captain McLaughlin intercepted me and came outside.

Q. What did he say to you? A. Nothing, but he caught hold of me and pulled open my overcoat and searched my pockets; I said, "What is this for?"

Q. Were you under arrest? A. No, sir.

Q. But he went all through your pockets? A. Yes, sir; I said, "What does this mean?" he said, "You know damned well what it means;" I said, "I don't understand you; what is it for?" so there was an orderly at the door; "Open the door," says he.

Q. McLaughlin said to the orderly, "Open the door?" A. Yes, sir; he said, "Get the hell out of here."

Q. Who did he say that to? A. To me.

Q. What did the orderly do then at that gentle invitation? A. That is the last of it, sir.

Q. Did anybody leave you out? A. No, sir.

Q. Now, I want you to describe a little more accurately how Costello looked when you saw him? A. In a very dilapidated condition.

Q. Explain what you mean by a dilapidated condition? A. Back here was all mud across his back, and down his shoulder; and here the side of his face was bloody, and his hat was battered and dirty; I was very anxious, of course, to know the cause of it, and was going right into Captain McLaughlin's office, and that is the time the captain intercepted me and wouldn't let me go in.

Q. How long did you see him; how long was that glimpse at Mr. Costello? A. About a minute.

Q. As much as 60 seconds? A. Yes, sir.

Q. How far were you from him? A. About 20 feet.

Q. Did Costello say anything? A. He didn't get a chance.

Q. You were forced right out? A. Yes, sir.

Q. And searched? A. Yes, sir.

Q. And shoved from the station-house? A. Shoved right out; "Get the hell out of here," said he.

Q. When you left Mr. Costello at the foot of those steps was his face sound; clean as to his clothing, in good condition generally? A. The same as he is now.

By Senator O'Connor:

Q. Do you mean to say that he was? A. Yes, sir; he is in pretty good condition.

By Mr. Moss:

Q. There was nothing the matter with him, so far as you know? A. No, sir.

Q. Perfectly able to attend to his business? A. Yes, sir.

Q. And clean? A. Yes, sir.

Q. And untouched? A. Just the same as he is now.

Q. How long was it from the time you left him until you got into the station-house again? A. I went with all speed; it would not have seemed 20 minutes.

Q. And 20 minutes after you saw him safe and sound you beheld him in this battered condition in this station-house? A. Yes, sir.

Q. Did you ask Captain McLaughlin the cause of it? A. I didn't get a chance.

Q. Were you in court the next morning? A. Yes, sir; his eyes were all black and blue, a terrible sight, all cut here on the side, and he had to wear a pair of blue goggle spectacles, he had to wear them that morning; he bought them on the way up; I have them as souvenir yet.

Q. You have these same goggles? A. Yes, sir.

Senator Pound.—What was the date of this.

Q. Do you remember the date? A. November 7, 1888.

Q. Did Mr. Costello tell you in the court-room how he came by those injuries? A. Yes, sir.

Q. What did he say?

Senator O'Connor.—We will assume that Mr. Costello told the truth about it.

Mr. Moss.—I want to get, as much for Mr. Costello's protection as anything, all that can be said about this case.

Q. What did Mr. Costello say then?

Mr. Moss.—I know very well what sort of men he is facing, and I know how essential it is to protect him.

A. I read the case in the newspapers and it is perfectly true.

Q. What did Mr. Costello tell you then? A. That time he told me that after parting with him in the shadow of the station-house, going up quietly with the two detectives, all of a sudden he got a blow in the side of the head that knocked him off the sidewalk into the gutter; then he got a kick and got up again; he asked what this means, in an excited state, "Are you going to murder me?" Then he got another blow; there were two men; one big fellow from the outside; Captain McLaughlin, I believe, was in his shirt sleeves at the time.

Q. Did he tell you what happened to him in the station-house? A. No, sir.

Q. Did he tell you what struck him? A. He didn't tell me in the station-house; he told me this the next morning.

By Senator Bradley:

Q. Did Mr. Costello tell you who struck him or how he was struck in the station-house? A. Yes, sir.

By Mr. Moss:

Q. What did he say to you; who struck him, if he told you? A. Captain McLaughlin.

Q. What with? A. It couldn't be possible with the naked hand he was struck.

Q. Did Mr. Costello tell you what he was struck with? A. Yes, sir; it must have been with brass knuckles.

Q. He used the words, "brass knuckles," at that time? A. Yes, sir; that morning.

Q. And I think you were going to say from your own opinion something there? A. Well, it couldn't be anything else, sir.

By Senator Bradley:

Q. The naked hand couldn't do it? A. No, sir.

Q. Did Mr. Costello say anything to you about receiving that severe kick; about going downstairs to the cell, how he got a kick in the back? A. No, sir.

Q. He didn't mention that to you? A. No, sir.

Q. Was Mr. Costello perfectly sober when you left him? A. Perfectly sober.

Q. When you were at headquarters with him? A. Yes, sir.

Q. He is not a drinking-man? A. No, sir.

Mr. Moss.—He had been in headquarters from 7 to 12.

By Senator O'Connor:

Q. How long have you known Costello prior to this time? A. Over 20 years, sir.

Q. Mr. Costello, was a sober, industrious man? A. Yes, sir.

Q. Not a man that would be apt to be under the influence of liquor or disorderly, to justify any police arrest? A. No, sir.

Augustin E. Costello, called as a witness again, resumed the stand:

Mr. Moss.—I ask that these two books be marked for identification.

(Books marked Exhibits 1 and 2, for identification, respectively.)

By Mr. Moss:

Q. These books now marked for identification are the two histories which you have testified about; are they not? (Exhibits 1 and 2, shown witness for identification.) A. Yes, sir.

By Mr. Pound:

Q. Is that larger book the fire department book? A. Yes, sir.

By Mr. Moss:

Q. I wish, Mr. Costello, you would tell us a little more distinctly and in detail what transpired in the station-house between you and Captain McLaughlin in the afternoon about that letter? A. Well, I have already stated the circumstances that brought me there; the captain and I were on very friendly terms so far as I knew.

Q. Didn't the captain conceive that your friendship had been instrumental in making him a captain? A. Well, I don't know how far a man's influence may go.

Q. But he spoke of it, didn't he? A. Yes, sir; he spoke of that fact.

Q. Go ahead and tell what transpired? A. He had some papers on the table and some small books of mine, and I said: "Captain, this should not have occurred; it has occurred once too often, and I am not going to let it occur again if I can help it;" I said, "Just tell me what these men have been doing;" he said, "I can not tell you; all I know is that I will have to hold him;" so he told me the documents they had, which they were entirely entitled to possess; they were given to them by

me as agents for the sale of the book; they had nothing in their possession that could compromise them or compromise me; everything was straight.

Q. There was a page in that book that you desired to remove, was there not? A. No, sir; a loose paper.

Q. A loose paper in the book? A. Yes, sir.

Q. That was the letter? A. That was one of the letters which I wished to recall.

Q. You told the captain that you were going to take it? A. I said, "Captain, you ought to see those things yourself; you know they are original; you know how the police book was got out and it was got out on the same lines as the fire-book; now, this thing should not occur at all, it is a great injustice to me and a great injustice to these poor men."

Q. Didn't the captain say something to you which you understood to be an invitation to remove that letter and put it in your book? A. Why, I made no concealment of it; the captain never left the room during the time I was in it.

Q. You took that letter? A. Yes, sir; I am not a lawyer, but I never heard of a clause in the Penal Code in my life that would prevent a man from taking his own property.

Q. That letter was removed? A. Yes, sir.

Q. Put in your own safe? A. Yes, sir.

Q. You stated to Captain McLaughlin that you would produce it? A. Yes, sir.

Q. Did you take it to court with you? A. Yes, sir; and I have designs of that in my house yet — fac similes.

Q. The charge in the police court was that you had taken that letter? A. Yes, sir; and he must have been aware that I took it.

Q. The technical charge was that you were destroying evidence? A. Yes, sir.

Q. You had the evidence to produce? A. I never destroyed it.

Q. And you took it out of the station-house with Captain McLaughlin in it? A. Yes, sir; and with best of motives.

Q. You had at that time no reason to apprehend any inimical conduct on the part of Captain McLaughlin? A. If I had it would not be probable that I would walk up to police headquarters.

Q. This book is the fire department book (pointing to book)? A. Yes, sir.

Q. Can you give circumstances pointing to a reason why the fire department withdrew that letter; now, be frank with us? A. I do not wish to go into explanations where perhaps I should unwillingly be doing some official injustice.

Q. I think you should tell the whole story; I read this to you now, in this statement which you have handed me, taken from one of our newspapers, as an interview with Inspector Williams; it says: "When Inspector Williams, who was also accused of assault by Mr. Costello, was spoken to about the matter he smiled and denied it, and then he said he felt sorry for poor Costello. 'If I should tell all I know,' he said, 'Costello would wish that he never had been born.'" A. I ask Inspector Williams to have the audacity to come here and in this chair to tell anything he knows against me; if he does I will have him indicted for perjury within 24 hours.

Q. You are not afraid of him? A. Never was; I was only afraid for my family; I was afraid that he would do something to have me killed; that is a kind of species of moral assassination; I would be afraid of Williams perhaps before this Lexow committee came into existence because I knew that he could put me out of the way if he wanted to.

Q. Now, we think you ought to tell all that you know, regardless of any consideration, except the necessity of telling the whole truth and all the facts? A. I didn't come here for vindication Mr. Moss; I think they ought to be brought here for that.

Q. Tell us about this fire department; what reason they had for withdrawing this letter? A. To begin with, a certificate or credentials or letter was given to me very grudgingly and a Mr. Justin, who is secretary of the board, was always opposed to it; when a letter would be written as regards the authenticity of this document he always went out of his way to do all he could to throw cold water upon it; I merely mentioned this fact by way of an incident in connection with that document; you will find all the incidents in that letter if you will go over it.

Q. This document is a copy of a letter? A. Then about the time that I was in very good swing in getting out the book a man in this town named Mike Crane, an electrotyper, thought that he could perhaps get a similar document from the fire department, and he got a man named J. Frank Pernan, who was well known to our newspaper men, to compile the work for him, and he called it "The Old Fire Laddies;" Mr. Crane

was then or subsequently, at the head of the old volunteer fire department, and was a very well known man and influential in political life; I was only known as a newspaper man; I may remark incidentally that I never belonged to a political party in my life, never at a Tammany Hall meeting, except that I belonged to the County Democracy when it was first organized; Mr. Crane got out this book; it was called "The Old Fire Laddies" and is still in existence; it was a very cheap work; but cuts in it were taken from Frank Leslie's Magazine, going back 20 or 25 years, and then the old fire laddies were very much displeased that he should get out a work that merely caricatured, but, nevertheless, Mr. Crane, seeing that my book was meeting with some degree of success, tried all he could at fire headquarters to undermine me; that always operated against me; the two books were running similarly; mine could speak for itself; as the Senators could see, it has been written about not only by the press of this city, but I have received letters from veterans in Mexico and California, and from England; I have a letter from the department chief of England, saying that it is the finest work of its kind ever gotten up.

Q. What relation had the work to Mr. Crane? A. Mr. Crane had some pull at fire headquarters that always troubled me; I tried to oppose it, but I found that Mr. Crane's book and mine were crossing at right angles all the time; Mr. Crane's book, about this time, fell very flat upon the market; I was getting into little tangles and snarls with the fire officials, and when my agents found that I didn't have the pull at fire headquarters that they thought I would have to sustain me, they took my credentials from the paid fire department; took orders on my sample of book and took Crane's book and delivered it and collected the commission.

Q. Did you not have invitations to call at fire headquarters? A. Yes, sir; I want to see a fire official—I shall not drag his name in here, because I consider him an honorable man; he said, "Mr. Costello, you don't show up enough at fire headquarters;" I said, "What is the use; there is nothing I can do; I have not got what I put into my book yet;" and it was said to me by several people that I should report oftener at fire headquarters.

Q. What impression was produced upon your mind then? A. I don't think that there was anything bad about it, only

perhaps they would like to see me around oftener, and I was a very busy man at the time and had to look after a number of agents.

Q. You had no particular business there? A. I had no particular business; I got a year in which, after the publication of the work, I got a year in which to pay up to the fire department, and before the work was out at all, they began this system of arresting my men; I saw one of the fire commissioners, and I complained; I said, "I am a ruined man, now, if this thing goes on;" it did go on; he said, "I will try to protect you the best I can;" I never got any protection.

Q. This fire commissioner that you speak of, as I gather from your statement, agreed with you that you were improperly treated? A. Thoroughly.

Q. And promised to have this matter rectified, but never did? A. No, sir.

Q. Was it to the commissioner you addressed this letter? A. No, sir; it was another.

Q. May I ask who was the commissioner to whom you sent this letter? A. Yes; you can ask me, but must I answer it?

Q. Yes? A. Well, it was sent to Mr. Croker.

Q. This document which I hold in my hand and from which I have examined you some, was sent to Mr. Croker? A. Giving a detailed account of the history of the work, from its beginning to the time I was dilapidated, as Mr. Stanley says.

Q. Is this the very letter that was sent to Mr. Croker, or is it a copy? A. A copy; a typewritten copy.

Q. You have compared it yourself? A. Yes, sir.

Q. I notice that this typewritten copy of that letter which you sent to Mr. Croker, gives all the details of the assault upon you by Captain McLaughlin? A. It does.

Q. Were all those details of Captain McLaughlin's assault upon you contained in that letter that you handed or sent to Mr. Croker? A. Well, not all; I went over it very lightly.

Q. No; but all the details that are in this copy? A. Yes, sir.

Q. Were in the letter that you gave Mr. Croker? A. Yes, sir.

Q. How did you send it to him? A. I think I went there in person and gave it to the janitor, Bob Kelly, superintendent of Tammany Hall.

Q. You say, "there;" where did you go? A. I went to Tammany Hall.

Q. You went to Tammany Hall on Fourteenth street? A. Yes, sir.

Q. Was the letter in an envelope? A. I read the letter word for word to Mr. Kelly, and I read the letter also for Dr. Jenkins.

Q. The letter that went to Mr. Croker was it in an envelope? A. It was in an envelope; but it was not sealed until I sealed it afterward.

Q. Was it addressed to him? A. It was addressed to Croker; yes, sir.

Q. You handed it to Kelly, the janitor of Tammany Hall? A. And I read it word for word to him, too.

Q. And instructed him to give it to Mr. Croker? A. Yes, sir.

Q. There were attached to this document two original letters, and I notice there is a pencil mark on the bottom, "please return;" were those letters sent to Mr. Croker? A. Yes, sir.

Q. These very documents, as I understand it, were attached to the letter which you sent to Mr. Croker? A. Yes, sir.

Q. How did they come back to you? A. I went to Mr. Kelly and told him to return those; and he sent them back to me; addressed them down town.

Q. Are these original letters, the one received from the Volunteer Firemen's Association and the other from the police department; are these the original letters? A. Both original letters.

Q. I will read them, with the permission of the committee; they are as follows:

"VOLUNTEER FIREMEN'S ASSOCIATION.

"New York, April 2, 1893.

"Mr. A. C. Costello:

"Dear Sir.—I take pleasure in certifying to the fact that you have given entire satisfaction and discharged all of your obligations in the history of our firemen. We have received your check in full as per contract.

"Very truly yours,

"(Signed.) "RICHARD CULLEN,

"President, Volunteer Firemen's Association of the city of New York."

"TREASURER'S OFFICE, POLICE DEPARTMENT OF THE CITY OF NEW YORK:

"New York, May 7, 1887.

"Mr. Augustin E. Costello:

"Dear Sir.—As there seems in the minds of some to be a doubt that you have not fulfilled your part of the agreement

made with the board of police relative to the publication of the book, "Our Police Protectors," this is to certify that Augustin E. Costello, author and publisher of "Our Police Protectors," has paid over to the trustees of the police pension fund the full amount that he agreed to pay, and that he has fully complied in every respect with the agreement made with the board of police.

"Respectfully,

"GEORGE P. GOTT,

"Bookkeeper."

Q. Do you remember the date when this letter was handed to Mr. Croker or to Mr. Kelly? A. I can not recall it just now.

Q. Can you come to it with any closeness? A. Well, I think it was sent within a year.

Q. Within a year? A. Yes.

Q. Is that right? A. That is right.

Q. Did you have any communication whatever from Mr. Croker? A. No; I didn't except through Mr. Kelly verbally.

Q. What did Mr. Kelly tell you? A. Mr. Kelly said he gave the letter to Mr. Croker and that Mr. Croker had gone out of town; I think he went to Europe or somewhere else; that he didn't have very much time; it was a very long document and that he was not accustomed to occupy his powerful mind with letters of that description.

Q. Who was the fire commissioner that you spoke to and had that friendly recognition from? A. Well, that was Mr. Purroy, I went to his house in Fordham.

Q. When did you see him? A. That was when some of these troubles were going on; I never kept any account because I never expected that I would be brought up like this.

Mr. Moss.—I want to read a very short part of this letter, principally because it went into Mr. Croker's hands:

"When I entered police headquarters, Inspector Williams called me into his office, and said, in a surly tone, "You've been doing dirty business down town, Costello;" he accused me of destroying evidence, which I denied. I told him I took a letter and list of the day's sales which was my property and could be had at any moment when wanted. It was then about 7 p. m. I was kept in his office till midnight, when two detectives came and took me down town to the First Precinct station-house. As I was about ascending the steps to the

station-house, I was struck on the point of the right jawbone a smashing blow and was knocked down. The man who assaulted me was a police official. He then tried to kick me in the face while I was on the ground, but I kept clear of his big heavy shoes by means of my umbrella, which saved me from frightful disfigurement. I was very badly injured and bled profusely from a contused wound across the high cheekbone. The weapon used was brass knuckles. Had I received a blow on the temple, it would have been serious and might have been fatal; if upon the nose, I would have borne an ugly memento of the injury for life; if on the eye, the sight would have been destroyed. The same official tried to assault me in the station-house in view of all. After being subjected to all kinds of indignities, I was thrust into a cell and kept there all night, bloody and bleeding. (I refer you to Captain Murray, fire department, who was present.) In the morning I was taken to the Tombs, more dead than alive. I really can not give a correct story of what did take place; I was so stupefied from my injury. Mr. Hummel was retained to defend me, and bail being given I was let go home. I would wish just then in my agony of body and soul, that I had no home to go; so degraded did I feel in presenting myself in that plight before my wife and children. My face, of course, was severely cut and badly swollen, and I had to call in a doctor. Doctor Jenkins, your brother-in-law, attended me. He will bear me out as to the injury to my face, and that said injury was inflicted with brass knuckles, as the character of the wound proved it to be so, and he is aware of who used the knuckles. By his advice I kept to my bed for several days, as erysipelas was threatened."

Q. This is the matter that was too small for such a high calibre man as Mr. Croker to pay any attention to? A. Yes, sir.

By Senator Bradley:

Q. Mr. Croker was then a fire commissioner? A. No, sir; not at that particular time.

Q. He was not at that particular time? A. No, sir.

Mr. Moss.—Not when that letter was delivered to him.

Mr. Moss.—I offer this letter in evidence.

(Letter marked Exhibit 3 of this date.)

The Witness.—In reading an account of the evidence that I gave on Thursday I saw some little confusion in some of the

papers. I have said that I was assaulted outside of the station-house. I was not assaulted inside, but attempted to be assaulted.

By Mr. Moss:

Q. I think you testified he drew all manner of attitudes to me? A. Yes, sir; all that make-believe occurred inside; but the half deadly blow I received when almost on the steps of the station-house.

By Senator Bradley:

Q. He also testified that while you were being taken down stairs to the cell you received a kick or blow in the back, of which you carry a remembrance to this date? A. I did not accuse him of that; I say so still; I do not accuse Captain McLaughlin of that; the blow I did receive, however, in the face came directly from Captain McLaughlin; I do not wish to have any confusion on that point; and may I say in conclusion that all this testimony has been wrung from me; and that I have given it with a great deal of hesitation; and if I were only let severely alone I would never say anything about it; I am not here at my time of life looking for any satisfaction or revenge.

Q. You are an Irishman by birth? A. Yes, sir; I am an Irishman.

Q. And have always been interested in the efforts of Irishmen? A. Yes, sir; always.

Q. And you went out there some years ago to help right some wrongs, as you understood? A. What is this?

Q. I have a question to ask; you did go out there, didn't you? A. Well, it is nothing to be ashamed of; I rather glory in what I did.

Q. You went out and you were captured and convicted, and locked up for some years? A. I was; yes.

Q. As a political offender? A. I was sentenced to 12 years penal service.

Q. And there was some movement started in this country by which the government intervened? A. This country got me out of the trouble in the act known as the Warren and Costello Act; the treaty passed between this government and England — Great Britain.

Q. You were incarcerated in the British prison as a political offender; I want to ask you if you were there assaulted or pounded in the British prison? A. Will this more or less justify the people on the other side?

Q. No; I want the fact; were you ever pounded or assaulted? A. I never was; they treated me within the rules with a great deal of rigor, but they never assaulted me.

Q. Were you ever punished without warrant of law? A. Never.

Q. While in the hands of the authorities? A. I was through nearly all the prisons in England and Ireland.

Q. And that you are obliged to say, with all the patriotic feelings you have for those institutions? A. I have no feelings against the British institutions, but the form of government as it exists in Ireland.

Q. I am speaking of the prison institutions? A. Yes, sir; I always hate those; I hate them here as well as there; now, Mr. Moss, I think that I have occupied a little too much of your time; but what I want to say is this; that that later episode of my life is well known to a great many people here in New York; and I hope that everybody will understand that not alone have I been an honorable citizen of this country, but I have always been an honorable Irishman, and if I have any enemies living now I would like to have them come forward and say their worst against me.

Q. Now, we want to say that Inspector McLaughlin and Inspector Williams are two inspectors that have made certain statements and certain denials, and they are welcome to come here; we will find time to accommodate them if they want to come here, and as far as Mr. Costello is concerned, I put Mr. Costello in this position myself; he either had to commit contempt of court or perjury, or tell the truth; and if there is any cowardly attack to be vented upon Mr. Costello or anybody for this story it is my fault, and I will take the consequences myself? A. Well, these people I understand are hatching; I am told on very good authority that they are hatching up some kind of story now and they will only wait until this committee adjourns in order to throw it into the newspapers offices.

Mr. Moss.—I say now it is my fault, and they can deal with me.

By Senator Bradley:

Q. There is only one part of your testimony I can not reconcile myself to, that is, that you have not the true Celtic blood in you; if you had there would be two or three funerals in New York now? A. I do not wish to leave the chair with such a reputation on my Celtic blood; if there had not been so much Celtic blood in my veins there would have been several funerals in New York; and I am not only a Celtic Irishman but a Catholic Irishman and murder is repugnant to my religion and to my nature.

Samuel J. Young, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. Where do you live? A. Willimantic, Connecticut.

Q. What is your business there? A. Hotel-keeper.

Q. You came to New York some little time ago in response to a letter; did you not? A. I did, sir.

Q. When was it? A. I can not give the exact date; somewhere the last of April or the 1st of May.

Q. Of this year? A. Yes.

Q. Who did you meet here? A. I met a man of the name of George Appo.

Q. Who did he take you to? A. I have since been informed he took me to another gentleman of the name of Sloane.

Q. Al Sloane, that is? A. Al Sloane.

Q. That is a man that has been on the stand here; and you met Mike Ryan, didn't you? A. I think not.

Q. Mike Ryan was interested in this matter; was he not? A. I believe he was, according to Mr. Appo's statement since May.

Q. Mr. Mike Ryan has been on the stand, and we were not quite clear about his business; you understand Mike Ryan was interested in the business you came to New York on? A. Yes, sir.

Q. Have you the letter? A. No; I have not.

Q. That is what you got, was it not (producing tin box)? A. Yes, sir.

Q. Was there anything in the box? A. Some paper blanks; yes, sir.

Q. How much did you pay for it? A. Three hundred dollars,

Q. I see this is a lock box; did they furnish you with a key?
A. They did not; no, sir.

Q. When did you get the box open? A. When I broke it open the next day.

Q. Up at Connecticut? A. Yes, sir.

Q. Who did you give the \$300? A. According to Mr. Appo's statement, it was Al Sloane.

Q. Where was it that you were robbed? A. I think it was 121 Washington street.

Q. Twenty-one Washington street? A. One hundred and twenty-one.

Q. When you went into that joint—I think they call them turning joints—did you see a policeman? A. If I recollect rightly, there was a policeman right across the street on the opposite side.

Q. Is there any doubt about your recollection? A. No; I think not.

Q. Was there? A. I think there was a policeman; I see a policeman along there somewhere; and I think it was almost directly opposite the joint.

Q. Very close to the joint? A. Yes, sir.

By Senator O'Connor:

Q. What did you expect to get in that box that you paid \$300 for? A. I expected to get an overissue of United States bank bills.

Q. How much? A. Three thousand five hundred dollars.

Q. Of genuine money? Q. Yes, sir; claimed to be.

Q. How old are you? A. Well, I am over 40 years old.

Q. Did you believe that anybody could afford to dispose of \$3,500 genuine money for \$300? A. I hadn't ought to.

By Senator Bradley:

Q. Were you ever in New York before? A. No.

Mr. Moss.—Here is a man that was buncoed last April.

Senator O'Connor.—I don't have much sympathy for a man that assumes he is going to buy \$3,500 genuine money for \$300. That is all.

Mr. Moss.—Why not go to the district attorney's office while you are here; that is my advice to you.

William Henry Wood, called on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. Where do you live? A. Hollis, Long Island.

Q. You are connected with the printing firm of J. J. Little & Company, are you not? A. Yes sir.

Q. That firm made a proposition to print ballots for the last election? A. Yes, sir.

Q. I have this document which is furnished by police headquarters, and ask you to look at it to see if you recognize it? A. Yes, sir; I do..

Q. What is it? A. That is the bid that Mr. Little made for the printing of the ballots.

(Paper offered in evidence and marked Exhibit 4, December 11, 1894, L. W. H.)

Q. I read this bid, "J. J. Little & Co., printers and bookbinders, New York, 2 to 20 Astor Place, October 3, 1894. Board of Election, city of New York, 300 Mulberry street, N. Y. Gentlemen: In reply to your request for proposition for the printing and delivering the official ballots for candidates, and official ballot for constitutional amendments or other proposals for the election occurring on the 6th day of November next, we herewith propose to supply the same as per specification furnished for the average price or sum of \$2.30 per 1,000 for all the ballots specified, or any additional ballots that may be required. Respectfully yours, J. J. Little & Co." How did you come to put in that bid? A. Mr. Little asked me in the morning to take the bid down to police headquarters.

Q. Was there any publication? A. Mr. Little received from the police headquarters a request to make the bid; I have that request in my pocket.

Q. I would like to have that, if you please. (Witness produces paper.)

Q. While you are looking for that I will read this document furnished from police headquarters: In Common Council, Resolved that the board of police commissioners be, and they are hereby authorized to perform the following work, and procure the supplies enumerated below without contract, founded on sealed bids, namely:

First.—Constructing polling booths on the streets in the election districts wherein no suitable rooms can be leased, and

Second.—Fitting up and furnishing polling places for use on registry and election days.

Third.—Supplying ballots for inspection and public use.

Fourth.—Supplying additional ballot boxes.

Fifth.—Delivering and returning ballot boxes and ballot booths to and from the various places. Signed by the clerk of the Common Council.

(Paper offered in evidence and marked Exhibit 5, December 11, 1894, L. W. H.)

Q. And the witness hands me a letter from T. F. Todenbough, chief of the bureau of elections, police department of the city of New York, referring to specifications inclosed, and inviting a bid or proposition for the printing of ballots.

(Paper offered in evidence and marked Exhibit 6, December 11, 1894, L. W. H.)

Mr. Moss.—The witness also hands me the specifications connected with that letter. Substantially they invite Mr. Little to be present before 12 o'clock noon on the 3d of October and present sealed bids for the printing of ballots of candidates, the official ballots of constitutional amendments or other proposition for the election of November 6th. The bids shall be so much per 1,000 for the balance required for the entire city during the coming election. Then follows the detailed number and size of the ballots, and their description.

(Paper offered in evidence and marked Exhibit 7, December 11, 1894, L. W. H.)

Q. Did you attend for your firm on the Wednesday mentioned in that letter? A. I did; yes, sir.

Q. At police headquarters? A. Yes, sir.

Q. Who did you see there? A. I delivered the bid to the clerk in the bureau of elections, I think Mr. Allen; I am not quite sure about the name; I asked him when the bids would be opened; and stated I would like to be present at the opening of the bids; he said he did not know; that the bids would be sent up to Commissioner Murray, who would open them; and he said something to the effect that he did not know whether he would open them in private or in the presence of the board, so I returned to my office and reported it to Mr. Little.

Q. Were you present when the bids were opened? A. Mr. Little suggested I return to headquarters, which I did—to return to headquarters and see Commissioner Murray, and ask him when the bids would be opened; I did so, and the board was

then in session; I sent in my card, and Commissioner Murray came out and opened the door and ushered me in; at that time the bids had already been opened.

Q. I notice some interlineations in your bid; will you explain how those came to be there? A. Well, when I received it, Commissioner Murray picked this letter up and said. "Now, Mr. Little, I will read your letter," and he read the letter off; he says, "From which it appears that you are bidding for the official ballots for the constitutional amendments, calling my attention to the fact that he had not bid on the official ballots for candidates; I told Commissioner Murray that I was free to say that I did not know what the contents of the bid had been; and Mr. Little had made all the figures himself; and that he had simply asked me to come down there to be present at the opening; so I asked him for the privilege of looking at the letter; he handed me the letter, and I read it over myself; and I said that it seemed to me that the typewriter had made a mistake in writing the letter; that it appeared as though the words "For printing official ballots for constitutional amendments" should have read, "For official ballots and constitutional amendments;" I said, further, that if agreeable to them I would telephone to Mr. Little and find out what he did mean.

Q. Commissioner Martin was present, was he not? A. Commissioner Martin was present at my right.

Q. Engaged in conversation? A. Yes, sir; and Mr. Murray, he turned to Commissioner Martin when I spoke of the telephone and immediately after—I did not see whether Commissioner Martin acquiesced in any way; however, Commissioner Martin handed over to me the telephone in his room.

Q. Invited you to telephone to your people to see what they really meant? A. Yes, sir; so I called up Mr. Little on the telephone; and Mr. Little replied that there must be a mistake somewhere; as my bid is for official and constitutional amendments; and all ballots according to the specifications; he spoke of the fact that in the letter he had attempted to quote from the specifications, and the fact that the part was quoted in there; I stated everything that transpired as I spoke with Mr. Little to the board; and I also spoke, holding the receiver so that Mr. Little would hear my replies to them; Commissioner Martin then suggested that I write in certain words; I would say, a little prior to this, when the letter came up, that Commissioner Martin did

say that if anything were put in—what he meant to infer, I presume, was that it would not be official; so I took the opportunity to tell him that I also made estimates for the house, and my name might as well be signed to the letter as the name of the house.

Q. But officially he spoke of your relations with Little? A. Yes, sir; I told him I was quite authorized to do anything of the sort; so he then dictated these words.

Q. Who dictated? A. Commissioner Martin; "For candidates and official ballots;" and I wrote that in there in ink; and I noted that on the side "J. J. Little & Co.—Wood."

Q. So the interlineations there is from the dictation of Mr. Martin himself? A. Yes, sir.

Q. And as the result of telephonic communication with your house, conducted in the presence of Commissioner Martin and Commissioner Murray? A. Yes, sir.

Q. And after that interlineation had been made, what did they do with the bid; did they take it? A. Yes, sir; Commissioner Murray then took it from me.

Q. Were there other bids? A. Yes, sir.

Q. There was a bid from Martin B. Brown; was there not? A. Yes; Commissioner Murray turned to Commissioner Martin; he said, how does that make the bid stand; and Commissioner Martin had been making bids on a slip of paper; he said, "That make Little's bid \$248 under Brown's."

Q. Who said that? A. Commissioner Martin.

Q. That was in the presence of Commissioner Murray and yourself? A. Yes, sir

Q. And the representatives of Martin B. Brown & Co.? A. Yes, sir.

Q. And stated your bid was \$248 lower than Martin B. Brown's? A. Yes, sir; and then Commissioner Martin turned to me—I was to his left—and he turned to me and said, "You had better figure that so as to see there is no mistake," and if you will look on the back of it you will see the figures I made to the police board; I made these figures and then I agreed with them that the difference was \$248.28.

By Senator O'Connor:

Q. What did the whole printing amount to? A. My bid amounted to \$42,828.58. Brown's bid amounted to \$43,076.85.

Q. A difference of \$248? A. A difference of \$248; yes, sir; then Commissioner Murray asked me whether Mr. Little understood that the official ballots were to be about twice the size of the amendment ballots; and I telephoned that to Mr. Little, and asked him; he said, yes, he understood that distinctly, and he reiterated that he understood everything just as the specification stated them; then Commissioner Murray asked me if he understood they were to be delivered in closed bands; my impression is I answered that on my own responsibility, and I said, yes he understood all that.

Q. You were there authorized to do such things? A. Yes, sir.

Q. And you stood up to every point that was brought out as willing to take the job at the figures? A. Yes; Mr. Kelso then got up and said the firm of Martin B. Brown would accept of the contract at the price quoted by Mr. Little if the board felt disposed to give them it.

Q. That was said in your presence? A. That was said in my presence in the meeting; and I got up and said, I was free to say that if an opportunity were to be afforded to the parties to change the bids, I was free to say the firm of J. J. Little & Co. would be pleased to have the same opportunity accorded to them; and Commissioner Martin then suggested that the board would go into executive session.

Q. Did Mr. Kelso dispute your figures, or dispute the statement that your bid was \$248 lower than Brown's? A. No, sir.

Q. Kelso was Brown's representative? A. Yes, sir.

Q. There was no dispute about that at all? A. No, sir; by no one; there was no dispute.

Q. Then the board went into executive session? A. Commissioner Martin told me the board would go into executive session, and I could go into the outside room, if I wanted to hear the decision.

Q. At that point everything had been adjusted to the satisfaction of everybody present? A. Yes, sir.

Q. Your bid appeared to have an irregularity on its face at first as the result of a clerical error, and was corrected in the board, in the presence of Mr. Kelso, and corrected at the dictation of Mr. Martin? A. Yes.

Q. And they agreed upon it, and the board went into executive session? A. Yes.

Senator O'Connor.—Let me ask you, Mr. Moss, a question. The law require these publications to be made inviting the bids for the printing; does it not.

Mr. Moss.—Yes.

Senator O'Connor.—For how many days.

Mr. Moss.—It all rests upon this resolution here.

Mr. Jerome.—Where the work is over \$1,000 it has to be advertised for unless there is a resolution of the board of aldermen permitting it to be done by private contract; and this is always passed in election matters.

Senator O'Connor.—They elected to pursue the course of advertising instead of private contract.

Mr. Moss.—They are authorized to let on sealed bids or advertising. These bids were not advertised

Senator O'Connor.—Well, every person received invitation to put their bids in.

Mr. Moss.—There were certain people that were invited to bid.

The Witness.—I do not know further than ourselves; we were invited to bid.

By Senator O'Connor:

Q. They were to be sealed bids, were they not? A. I think the specifications was that.

Senator O'Connor.—The interlineations were put in there apparently by the witness practically amounted to an amended bid, did they not?

Mr. Moss.—That is what they amounted to—amended in the presence of everybody, so there was nobody to find fault with it.

Senator O'Connor.—And after that what prevented the other party amending the bid.

Mr. Moss.—They did not.

By Mr. Moss:

Q. You had been permitted to amend your bid? A. And it had not changed the price at all; it was simply making a bid clear.

Q. Your bid as you proposed it was \$2.30 a thousand for the constitutional amendment ballots; that did not occupy one-tenth of the space the others did? A. If you will examine the letter

you will see it covers the ground further; it says here, "For all ballots specified, or any additional ballots that may be required," and you will notice here this part is quoted; I have the original copy that was given to me to make this copy from.

Senator O'Connor.—It means that the members in the board availed themselves of the technicality to award the contract to the man they wanted to award the contract to.

Mr. Moss.—That is about the size of it. They took the bid, and they went into executive session without any objection upon this man's bid, and upon another bid which was \$248 higher, and some other bids which we do not talk of. Now, I want you to tell what happened after the executive session.

The Witness.—I followed Mr. Kelso out and took a chair in the outer office; Mr. Kelso going into the hall; shortly after I followed Mr. Kelso into the hall, and had a few words to say to him; and he went to the hall to the right, and I returned to the general office; after sitting there a while Mr. Kelso came in and told the doorkeeper that if the commissioners wanted him he would be found in Mr. Grace's office; and shortly after Commissioner Martin came out of the room where the board was in session and asked for Mr. Kelso; the messenger went, and Mr. Kelso came and went into the board room where they were in session; shortly after that, he had not been a great while, when Mr. Kelso came out of the door followed by Commissioner Martin and others; and Commissioner Martin then asked, "Is Mr. Little's representative here;" and I stood up, and he told me to tell Mr. Little that they had given the contract to Martin B. Brown for \$40,000, which was \$3,000 under our bid, and came within the amount appropriated for the purpose; he said to tell Mr. Little that as his letter was an informal letter, the board had allowed the courtesy of changing it; that had it been a formal public document they could not have allowed him any such courtesy.

Q. The put the point very clearly that your letter had been amended? A. Yes, sir.

Q. And therefore it was not to be considered, only that way? A. The inference would be that, of course.

Q. Now, as to your knowledge whether or not Messrs. Martin B. Brown and Company were printing the ballots before the work had been given out, before the contract had been made?

A. Well—

Senator O'Connor.—How does he know that fact?

Mr. Moss.—Well, I want to see.

The Witness.—Of course, I have heard; I have been told indirectly.

Senator O'Connor.—We ought not to take hearsay on a matter of that kind.

Mr. Moss.—I understood Mr. Wood had some information that was positive on that subject.

The Witness.—I heard an employe, George Brown, in their employ, had mentioned it.

Senator O'Connor.—You need not take that, Mr. Stenographer.

By Mr. Moss:

Q. Who was the man that told you that? A. Mr. Isles, a foreman in our employ.

Q. Who was the man in Martin B. Brown's employ? A. George Brown.

Q. Now, isn't there something misleading in these specifications? A. Well—

Q. Are these not misleading specifications; now take the size of the amendment and the special question ballot; do you know how many of those ballots there were—the size of the amendment and special question ballot? A. The size of these ballots will be six inches in width by eight inches in length; the sample inclosed, which was the official sample sent by the Secretary of State, was six inches by six inches.

Q. A difference of two inches? A. A difference of two inches; that would make, of course.

Q. And the specification was drawn so that a large figure would come out from a bidder if he bid on the figures mentioned in the specifications? A. A figure on six inches by eight inches would be about a third more for paper than if the ballots were six by six; six by six was the size mentioned by the secretary.

Q. Do you know how many of those ballots were required; some 10,000,000, was there not? A. Yes; some millions; I don't know exactly the number; the ballots were printed six by eight; the specification was six by eight.

Q. But the official ballot was six by six? A. The sample ballot sent by the Secretary of State was six by six; and the samples printed for Brooklyn was six by six.

Q. In figuring on those specifications did you figure on six by eight? A. We figured on six by eight.

Q. These were printed according to specification? A. Six by eight, but the size of the Secretary of State's ballot was six by six.

By Senator O'Connor:

Q. For the constitutional amendments? A. Yes; for the constitutional amendments.

By Mr. Moss:

Q. That is the ballot furnished from headquarters (producing ballot); have you figured out the difference in money that that would make? A. I have not; no, sir.

Q. I have a computation here that the difference of those two inches upon 10,000,000 of ballots would be \$5,000?

Senator O'Connor.—Were they actually printed by the man who got the contract six by eight?

Mr. Moss.—That we can not tell until they go on the stand. We had better take an adjournment now.

The sergeant-at-arms called Daniel Kirwin, who responded "Present."

The Chairman.—The committee stands adjourned until half-past 10 o'clock to-morrow morning. All witnesses required to be here to-day will be here promptly to-morrow morning at half-past 10.

Proceedings of the sixty-fourth session of the committee of the Senate of the State of New York, to whom was assigned the investigation into the conduct of the police department of the city of New York, held in the Superior court-room, Part I, in the city of New York, on Wednesday, December 12, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Daniel Bradley, Edmund O'Connor and Jacob A. Cantor. John W. Goff, Frank Moss and W. Travers Jerome, of counsel for the committee.

Mr. Goff.—I ask is the sergeant-at-arms here?

Senator O'Connor.—He was a minute ago.

Mr. Goff.—I will perform his duty. I will call Charles A. Grant.

Chairman Lexow.—Charles A. Grant.

Mr. Goff.—Of course, I know he will not answer. He can not answer. I took this method of reaching Mr. Grant. We have endeavored for the last six months to subpoena him.

Chairman Lexow.—That is the private secretary?

Mr. Goff.—That is the private secretary of Commissioner McClave. He resigned his position immediately on Mr. McClave's resignation. He left New York and went to his seaside residence at Asbury Park. This man had a salary of seventeen or eighteen hundred dollars a year as private secretary of the commissioner. He was private secretary for Mr. French before he was private secretary for Mr. McClave. I would like my words to reach Mr. Grant in his Jersey resort. We tried to subpoena him, and had men watch in every direction for him; and if Mr. Grant will need a vindication of what I have said I wish he would come. We are prepared to state that Mr. Grant is to-day worth from \$75,000 to \$100,000 in this city; that he acquired all that real estate on a salary of \$1,700 a year. We are prepared to show that Mr. Grant acquired that property by corrupt methods, in the way of accepting bribes to secure appointments to the force. Now, Mr. Grant is a citizen of New York, and before this committee adjourns I hope my words will reach Mr. Grant down by the sad sea waves, and that he will come here and prove to this committee that what I have said is false. I will not take this method of calling upon a person who has not been here—will not come here to speak for himself; but I consider it necessary and due to this committee that Mr. Grant, holding the position that he did, getting out of his office so rapidly, getting out of this State, putting himself beyond the reach of a subpoena—that this public announcement is justified by the circumstances.

Chairman Lexow.—Mr. Goff, I was not here, but I see in the papers this morning that a witness who was under the subpoena of this committee was arrested on a warrant in this committee-room yesterday.

Mr. Goff.—Yes, sir; that is true.

Chairman Lexow.—Is that by permission of the counsel or the committee.

Mr. Goff.—Yes, sir; the officers came to me and privately informed me that they had a warrant for Horner's arrest on the charge of grand larceny.

Chairman Lexow.—Very well, as long as you consent to it. The point was, they had no right to make an arrest of that kind—

Mr. Goff.—Yes, sir; I publicly got up in court and released a witness under subpoena, and told the officers

they might execute their warrant, and even then the officers waited until the witness went out of court; so it was by our consent and knowledge, Mr. Chairman. I further say that we were particularly interested in Mr. Grant's appearance just now, as we have a record here of Mr. McClave's appointments, and we would like very much to ask him certain questions concerning those appointments.

Chairman Lexow.— Probably Mr. Grant will want to be vindicated in the course of the week. |

Mr. Goff.— I hope so for his sake; I hope so. It is but proper to say Mr. Moss has just informed me that Commissioner Martin was subpoenaed here yesterday on a matter incidental; not on the main question, but on an incidental matter. Mr. Moss informs me that the proof concerning it was placed before the committee yesterday evening in relation to the printed ballots. I am informed Mr. Martin has come into court.

Chairman Lexow.— He is behind you.

Mr. Goff.— I wish to say that for to-day Mr. Martin is excused.

Chairman Lexow.— No necessity for your further attendance here to-day Mr. Commissioner.

Mr. Goff.— That is, to-day. We will communicate with you, commissioner, later on. Are those gentlemen—those doctors from the health department here, (two gentlemen stand up). Is Daniel Curran in court? (Yes, sir.) Is Mr. Bayard here? (Yes, sir.) I want ex-Detective Bayard. (No reply.) Mr. Levine here? (Yes, sir.) Herman Schuper here? (No reply.) Mr. Westbrook here? (Here.)

Chairman Lexow.— Witnesses whose names are called will answer to their names or else their defaults will be entered.

Mr. Goff.— Henry W. Meyer? (Here.) Are you from the health department, Mr. Meyer? (No, sir.)

Mr. Moss.— Is Mr. Wood, who was on the witness-stand last night, here? (Here.)

William Henry Wood, recalled as a witness on behalf of the State, testified as follows: |

By Mr. Moss:

Mr. Moss.— I now read the evidence, a minute furnished by the police department, "October 3, 1894. The following sealed proposals for supplying ballots for the ensuing election were opened and read:

"No. 1. John M. Drake, \$2.97 per 1,000. (Informal and amended.)

"No. 2. J. J. Little & Co., \$3.30 per 1,000. Informal and amended.)

"No. 3. Metropolitan Job Printing Co., \$3.75 per 1,000.

"No. 4. Martin B. Brown, \$3.48 per 1,000 large, and \$1.48 per 1,000, small. Amended so as to make the total \$40,000, to come within the appropriation.

"Whereupon, it was resolved, That the proposal of Martin B. Brown to print and furnish the official ballots for candidates, and the official ballots for constitutional amendments, or for other proposals, to be voted at the ensuing election, and for sample ballots in the required number, all in accordance with the specifications therefor, for the sum of \$40,000 be, and is hereby, accepted, and that the president be, and is hereby, authorized to execute a contract with Martin B. Brown for such work; the form thereof to be approved by the counsel to the corporation; and that the bond for its faithful performance be the sum of \$50,00 with two sureties."

Q. You testified yesterday that after your bid was figured at \$43,000 and Mr. Brown at \$43,248, it was conceded that your bid was \$248 less than Martin B. Brown's bid; and the committee went into executive session, and shortly afterward it was announced that it was awarded to Mr. Brown at \$40,000; did you hear any conversation between Mr. Kelso, representing Brown, and the commissioners, by which his bid was reduced from \$43,248 to \$40,000? A. No, sir.

Q. That was done in secret; was it not? A. Yes, sir.

Q. And you testified, as I understand you, that you immediately said that if Mr. Brown was to be allowed to reduce his bid you would like to reduce yours? A. I said that before they went into executive session; Mr. Kelso got up and said that the firm of M. B. Brown would accept on the contract the price quoted by Messrs. Little & Co., which would reduce their bid—

Q. When they heard your figure of \$43,000 they said they would accept this at \$43,000? A. Yes; and Mr. Martin suggested that they go into executive session; and I was told I could wait in the outside room; and it was after that they sent and called in Mr. Kelso; and all this transpired afterwards.

Q. Then Mr. Kelso was called into the executive session? A. Yes, sir.

Q. And you were not? A. I was not.

Q. And when they came out it transpired the bid had been awarded to him at \$40,000? A. Yes, sir.

Q. You made a protest? A. Yes, sir; I have a copy of the protest.

Q. Didn't you offer to do the work for \$40,000? A. For less than \$40,000; Mr. Little called attention to the fact that the specification called for so much per thousand, and not for a bulk sum, and he would do it, and to relieve the board of responsibility in the matter he would do it for less than \$40,000.

Q. You had figured, and all the bidders had figures of a price per thousand? A. Yes, sir.

Q. And had not undertaken to bid a lump sum? A. No, sir.

Q. And so the proposition to do it for a lump sum was a surprise to you? A. Yes, sir.

Q. And immediately you heard of it going to be done that way you offered to do it for less than \$40,000? A. Yes, sir; the following morning.

Q. That was before the contract was executed, was it not? A. So far as I know; I don't know how soon the board executed the contract after the session.

Q. Did you specify any sum less than \$40,000? A. We specified less than \$40,000.

Q. Do you remember whether you mentioned a specified sum? A. I think not.

George Radford Kelso, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. You represent the firm of Martin B. Brown & Co., do you not? A. No, not company; Martin B. Brown.

Q. Mr. Brown is dead? A. Yes.

Q. And the present concern carries on business under his name? A. Yes, sir.

Q. Is it a corporation? A. No, sir; Mrs. Brown is the sole proprietor or sole owner.

Q. Mr. George Brown? A. No; Mrs. Martin B. Brown.

Q. That concern does a very large proportion of the city printing, does it not? A. Yes, sir.

Q. Will you tell us in a general way what you did for the city in the way of printing? A. Well, we have been awarded

contracts for the general printing for the year; we have bid on this against other bidders; we also do books and printing for the police department, and do some for the dock department.

Q. For how many years have you been the successful bidder upon those contracts? A. Five or six; sometimes we loose some of it.

Q. How long have you had the contract for furnishing election ballots? A. Ever since the present law has been in existence.

Q. How long was that? A. I think it was four years.

Q. You have always been a successful bidder? A. Yes, sir.

Q. Is there any one interested in the firm of Martin B. Brown, or the business of Martin B. Brown except the widow? A. No, sir; not a soul.

Q. Is there any agreement in existence by which any one now holding a position in the city government is to have an interest in that firm from the 1st of January? A. No, sir; there is not.

Q. Is there any person connected with the city government now who has received any money from the firm or firm's business during the past year? A. No, sir; never.

Q. Is there any member of the city government who has entered—I mean holding executive position—has entered the business place of the firm during the past year? A. No, sir; the business next year will be continued just the same; Mrs. Brown will have the sole interest; and there has been no such talk or proposition.

Q. I ask those questions because a certain name has come to us as having an interest in this business, and in fairness to them individually I do not mention his name without laying a foundation to it; so, in any way—you understand what testimony is—in any way, directly or indirectly, is there any official of the present city government who has or contemplates having an interest in the business of Martin B. Brown? A. No, sir; neither directly or indirectly; and it does not contemplate any such thing.

Q. When did your firm begin to print the ballots used at the last election; what date? A. October 5th; Friday, I think it was.

Q. October 5th, that was the printing? A. Yes, sir.

Q. When did they buy the paper for the ballots? A. The first shipment of paper, I think, came in on the 5th; I think there were a few bundles that came in the day before.

Q. When was the paper bought? A. The paper ordered?

Q. When was it ordered? A. It was given on the afternoon of the 3d; but we had the drummer for the paper-house in several times to see about it, and, of course, I had told him in case we get the order all the arrangements would have to be made to rush it; and he suggested I order a few reams anyway.

Q. When were those few reams ordered? A. I did not order them.

Q. They were ordered prior to the 3d of October? A. No; I did not order any paper at all prior to the 3d of October.

Q. What was the size of the ballots for the constitutional amendments as you printed them? A. Six by eight.

Q. You printed them that size? A. Yes, sir.

Q. You have heard the testimony of Mr. Wood, I suppose? A. Yes, sir.

Q. And you heard how he testified that you went into the executive session of the board? A. Yes, sir.

Q. Will you please to state what transpired there by which your bid was reduced from \$43,280 to \$40,000? A. Yes, sir; the officer outside of Commissioner Murray's room came out and said I was wanted, and I went in; and Commissioner Murray and Commissioner Martin and Commissioner Kirwin was there; Commissioner Murray said that the appropriation for printing the ballots for the year was but \$40,000; and there was probably some delay; and wanted to know whether I was willing to do all the work required for that sum; I said I was willing to do it; I made an amendment at the bottom of my proposal stating the fact, and they, I think, voted upon it and awarded the contract; I think the secretary of the chief clerk was here, if I am not mistaken.

Q. Mr. Wood was not present when you were directed to reduce your bid? A. No, sir.

Q. And up to that time his bid had been lower than yours? A. Yes, sir.

Chairman Lexow.—Has the law required competitive bids on this question?

Mr. Moss.—The publishing of bids was not required because of the council and of the board of alderman, it was dispensed with; but following the custom on the direction of the resolution, they invited proposals. They sent notices to five or six large printing houses who gathered together by their representatives

upon the 3d of October, and presented their bids upon specifications that had been propounded to them; and these specifications being opened in the presence of all, a computation was had by which it was observed in the presence of every one, and to every one's satisfaction—

The Witness.—I beg pardon; I protested against Mr. Little being allowed to amend his bid there.

By Mr. Moss:

Q. You protested against his bid being amended, but nevertheless it was amended by the direction of Mr. Martin; was it not? A. I think it was.

Q. Mr. Martin dictated the words that were written into the bid, so as to correct a clerical error, and so stated at the time? A. Yes, sir.

Mr. Moss.—Continuing my answer: It was figured to the satisfaction of every one that the bid of Little was \$248 less than Brown, but unfortunately the bid had not been formal originally, some typewritten matter having been left out by clerical error, and in the presence of every one Mr. Martin allowed the representative of Little to telephone to his headquarters and to get authority to correct the bid by the insertion of these technical words. That was done at Mr. Martin's dictation, in the presence of every one, and then the bid was received by Mr. Martin. Then they took their bids into executive session. At that point Little having the advantage by \$248, according to Mr. Kelso's testimony, he was called in privately, and was asked whether he would do the work for \$40,000, the amount of the appropriation; he said he would; and the bid was awarded to him. Mr. Wood has testified that as soon as he learned that he asked a similar privilege of reducing his bid, not having figured on a lump sum previously, and offered to do it at less than \$40,000.

Chairman Lexow.—I would like to know whether Mr. Little had ever done business of that kind for the city before.

Mr. Moss.—I will ask him that question right after Mr. Kelso.

Chairman Lexow.—I ask the question simply for this reason, that we have had in our own county experience on that subject, where the printing of ballots was given out to persons who have not printed them before, and we found ourselves the day before election without a single local ballot in the county; and

the efficiency in the printer in that particular direction may have been one of the considerations that entered into the arrangement. It is the experience of these particular ballots.

The Witness.—I will make a statement, with your permission. At the time I protested against Mr. Little being allowed to amend his bid, and I asked the commissioners to consider carefully whether the difference of \$248 would warrant taking it away from the printers who had already done it; I asked them to consider that carefully.

Q. At the same time Mr. Wood proposed to do it for less than \$40,000? A. I understand that.

Senator O'Connor.—It resulted practically in the saving of two or three thousand dollars to the city. The police board undoubtedly took advantage of the informal character of the bid made, and they gave it to the firm who had been in the habit of doing that kind of work. I do not really think that the commissioners did anything that was improper. I do not think there is as much of it as probably you had a right to infer from the beginning.

Mr. Moss.—Of course, I call this witness from a brief furnished me. This firm of Martin B. Brown had a snap.

By Chairman Lexow:

Q. How is it you got all these contracts in the city; how is it in every case in their competition that company seemed to bid so as to get the contract in the city, and get it always? A. Are you talking about the contract for ballots?

Q. No; all contracts? A. I can not say that; we can do it cheaper than any one else; we have the plant for it.

Q. Is it not a peculiar coincidence that one firm should be able to underbid any and all other competitor firms in this city, and for years be practically in the possession and exclusive charter as it were to do business in the printing line for the city—a monopoly? A. I don't think so; we have a great many plates that other printers have not; that has a great deal to do with it, I am sure; for, if they are bidding on a certain form of blanks, and we own the plates, we can do it cheaper.

Q. Have you become the lowest bidders in other contracts in the same way that you became the lowest bidders in those contracts? A. No, sir.

Q. By seeing the competitor's figures, and then making your figures lower? A. No, sir; this is not in the form of a contract; the contract was not, I think, advertised at all; they have a right to give it to any one they chose; on their contracts the bids are open, and the lowest bidder gets the work; we have lost some of these things.

Q. If the city authorities permit Brown & Co. to underbid every other bid before them, the city gains that much, but it seems to me dishonorable practice? A. The one that can do the work cheaper than we can can have it.

Mr. Moss.—Now, a little case in point, as showing the peculiar favoritism as extended to the firm of Martin B. Brown & Co. We have had the case of Charles W. Gardner on appeal. On the first appeal we had to print our own case. The bill for printing it was considerable, and anticipating its going to the Court of Appeals we printed a double quantity so there was plenty left to go to the Court of Appeals without reprinting; and in the usual arrangements with counsel about printing we can take those copies of the case to the Court of Appeals. They did not do it. They sent a copy of the case, which they desired to borrow from us, to Martin B. Brown & Co. and had it all printed anew and paid Martin B. Brown & Co. a fee for it. That is simply an illustration from our own knowledge of the favoritism.

By Chairman Lexow:

Q. Where did you get your pull, Mr. Kelso? A. We did not have any pull; we have a very large plant that is particularly adapted to that, and the volume of work is large, and we can do it very well and do it cheaply, and where we are low in price we get it.

Mr. Moss.—I will say the work in the Gardner case was well done. The work was almost as handsome as those we had printed by Mr. Hamilton.

Senator Bradley.—I would suggest that if there was any fault it was with the board of aldermen. It should have been advertised by the board of aldermen, but they left the time go past, until there was not time enough; that is where the whole fault is.

By Mr. Moss:

Q. Mr. Kelso, are you acquainted with any member of the board of aldermen? A. Yes, sir; I think I know two; just to speak to.

Q. Have you had any conversation with them about the passage of a resolution doing away with public bidding for this work? A. No, sir; I have not spoken to either one of them since they have been aldermen.

Q. Or doing any work? A. No, sir.

Q. I did not suppose you had? A. That covers other things besides ballots.

Q. It is quite common for the board of aldermen to dispense with advertising and bidding? A. No, sir; I never knew it in any other instance excepting the ballots.

Q. Do you know that bids—that public requests for bids—are now being printed for the supplies for next year? A. Yes, sir.

Q. Don't you know it is common to make that public request for bids after the 1st of January? A. No, sir; I think the—it is common, but I think the effort has always been so the work can be furnished—

Q. It is not only common but usual to advertise for bids for supplies after the 1st of January? A. I think they have been advertised earlier every year since they commenced.

Q. The point being that the new administration advertises for its own supplies? A. No, sir; I think a point is that a great many of these blanks are required on the 1st of January for the new administration.

Q. I am speaking of the custom in the past; the custom has been such that when a new administration was elected to advertise for its supplies; that is the way it has been in the past, is it not; is it not so; it has been so in the past? A. Yes, sir; I don't think this printing contract was ever advertised before the 1st of January.

Q. Exactly; never advertised before the 1st of January before? A. I don't think so; no, sir.

Q. But it is true now that the advertisement was running, and contracts are about to be made? A. Yes, sir.

Q. For the furnishing of public supplies for the administration that is to come in on the 1st of January? A. Yes, sir.

Q. I show you a copy of the City Record of November 27, 1894, that is some time ago, and call your attention to "proposals to furnish the courts and departments of the government of the

city of New York with blanks, printed or lithographed books, dockets, libers, binding covers, binding, etc., for 1895," is that what you have reference to in your testimony? A. No, sir.

Q. What are you speaking of in your testimony? A. I am speaking of the advertisement that is now running for the printed supplies.

Q. And that is something else? A. Yes, sir.

Q. Your attention has not been called to the matter of the book binding or furnishing libers for the city? A. I know of it.

Q. You know these are now running? A. No, sir; that is not.

Q. Is this running? A. No, sir.

Q. Has it been let? A. Yes, sir.

Q. This has already been let then? A. Yes, sir.

By Chairman Lexow:

Q. Does that include substantially all the printing of a permanent character for the ensuing year?

Mr. Moss.—Yes, sir. I show you the proposals as to which Mr. Kelso says the contract has already been let, and he speaks now of proposals for printing for the next year.

Q. Don't you know, Mr. Brown, that the purpose of this advertising and making contracts now is to secure to this present administration all the patronage that is incidental to the awarding of those large contracts? A. No, sir; I know that is not so.

Q. You know that is not so? A. Yes.

Q. You know it is an unusual thing? A. No; I think the contract of last year for books was awarded before the 1st of January; there are a great many of those books that are required to be used on the 1st of January.

Q. Of the printing of a permanent character have you known for years past that has been awarded before the 1st of January? A. I know efforts have been made to get the list as early as possible; and that has been printed earlier every year; and this year has been printed earlier than before.

By Mr. Moss:

Q. The practical result is to secure to the party now in power the patronage now in awarding that printing? A. Well, that is the awarding of the contract.

Mr. Moss.—I do not think I have any more questions to ask,

Mr. Kelso. Now, there are quite a number of old officers here, and they have been here for several days, and in justice to them I think we should dispose of this pension matter and have done with it.

Daniel Curran, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Mr. Goff.—I ask if ex-policeman Jacob Hess is in court—ex-Wardman Hess? (No answer.)

Q. Mr. Curran, by the way, how many carts have you in the street cleaning department? A. None at all.

Q. How many have you there in somebody else's name? A. None.

Q. How many did you have? A. I had one a year ago.

Q. Only one? A. That is all, sir.

Q. How much did you pay for royalty to some one for that cart? A. I don't pay nothing; my son had it; not me.

Q. How many carts had you between you and your son? A. Two.

Q. How much money did you get for those carts? A. I have them carts yet.

Q. How much did you get from the street cleaning department? A. Three dollars and fifty cents a day.

Q. How many have you on the street cleaning department, between yourself and your family? A. One on the department of public works.

Q. How many on the street cleaning? A. None, sir.

Q. Has your son any on the street cleaning? A. No, sir.

Q. Any member of your family? A. No, sir.

Q. Have you any stool pigeon there on the cart? A. No, sir.

Q. You evidently know what I mean? A. I do, sir.

Q. You have been a policeman long enough to understand that term, haven't you? A. Yes, sir.

Q. Now, these two carts—this cart that you have now in the department of public works, how much do you get for that?

A. Three dollars a day.

Q. You have to pay a shade for that? A. No, sir.

Q. You mean to say you was not taxed around election time? A. No, sir.

Q. You say that to me without blenching? A. Yes, sir; conscientiously and true.

Q. You have been on the police for how many years yourself?
A. For 21 years.

Q. How long since is it that you retired? A. Twenty-one years.

Q. How long since is it that you retired? A. Year ago last August.

Q. So that while you were on the police force you had carts in the department? A. No, sir; a son of mine had them.

Q. Through your influence? A. No, sir; not through my influence, but through his.

Q. You have a son now in the department? A. Yes, sir; he is an inspector of dumps.

Q. That was the man that was dismissed the department a little while ago for allowing private matter to be dumped at the city's expense? A. Yes, sir; he was laid off for a week.

Q. For that cause; that was the reason for it? A. Yes, sir.

Q. And he was restored again? A. Yes, sir.

Q. Where is he now inspector of dumps? A. Canal street dumps.

Q. What dump was he inspector of where he allowed private dumping at the city's expense? A. Nineteenth street.

Q. When was that? A. It must be over a year ago, I think.

Q. During Commissioner Andrews' time? A. No; Commissioner Brennan's time.

Q. Wasn't it Commissioner Andrews restored him? A. Well, I really forget; I think it was Brennan who was there.

Q. You are mistaken? A. May be I am; I am not sure whether it was Andrews or Brennan.

Q. Have you got any other business on hand? A. No, sir.

Q. Where do you live? A. Number 1 Carlyle street in this city.

Q. How long have you lived there? A. About 13 years.

Q. Own your own house? A. No, sir.

Q. Your wife? A. Yes, sir.

Q. In your wife's name? A. No, sir.

Q. That is usual in your employment; did you ever know a policeman who had his house in his own name or in his wife's name? A. It is not in my name or wife's name.

Q. You said a while ago that it was in your wife's name? A. No; my wife owns nothing.

Q. But you said your wife owned the house? A. No; I lived in a tenement house 13 years.

Q. I ask you again has your wife any property or real estate?
A. No, sir.

Q. Or you? A. No, sir; or me either.

Q. Not even a lot of ground? A. Not a bit, sir.

Q. Not even a cemetery lot? A. Well, we have a cemetery lot in Calvary.

Q. What was your business before you went on the police?
A. I was a porter.

Q. How old were you when you went on the police? A. About 28 years.

Q. And what business were you porter in? A. In a cotton store in West street.

Q. And that business required you to be pretty active and be pretty strong? A. Yes, sir.

Q. And to use the cotton hook on the bales I suppose? A. Yes, sir.

Q. Was your health not equal to the calls upon it? A. My health has always been good.

Q. But you thought you would get a lighter, easier position by getting on the police force? A. I thought it was better pay.

Q. That is right; I want to know; what was the pay when you went on — \$1,200? A. Yes, sir.

Q. One thousand two hundred dollars a year? A. Yes, sir.

Q. During your term on the police force you were not disabled in any way by any accident, were you? A. No, sir.

Q. And when you left the police force you did not leave because you had been disabled or crippled? A. No, sir.

Q. You are a good, strong, healthy man to-day? A. My eyesight failed me for the last three or four years.

Q. Was that any element in your asking leave to be retired?
A. Yes, sir.

Q. Did you feel sensitive by reason of the common belief that policemen did not see things? A. Well, I could not see a block a way.

Q. Well, it has been commonly believed that the eyesight of policemen is generally a little dim; was that the reason? A. No, no.

Q. Well, was it because you were not able to discover the side door open of the saloons, on Sunday? A. I felt my eyesight failing for three or four years before I made an application to go out.

Q. I am asking if you felt hurt at your physical incapacity

for seeing the side doors spring open of the saloons on Sunday?

A. Oh, no.

Q. Do you feel that? A. No.

Q. You could not see those days; could you? A. Yes; I could see them.

Q. Even a block away? A. Well, I could not distinguish a person a block away.

Q. In New York it takes a man of pretty sharp eyesight to be able to distinguish men a block away; but you could see a block away? A. I could not distinguish a person a block away.

Q. Don't you think you could have distinguished the roundsman at night a block away? A. Not at night I could not.

Q. Don't you think you would be on the alert to see the roundsman or sergeant on the rounds at night on duty? A. I could not tell who was on the other side of the street at the night time.

Q. But at daytime your eyesight was all right? A. Yes, sir.

Q. Now, as matter of fact you are a good, strong, healthy man to-day are you not? A. Yes, sir.

Q. How old were you when you left the department? A. About 49.

Q. And you are receiving a pension? A. Yes, sir.

Q. Six hundred dollars a year? A. Yes, sir.

Q. And the little pickings up you got in the street cleaning department and in the department of the public works; is that so? A. I have a horse and he is only working every fine day; he has done nothing to-day or yesterday.

Q. Well, then is that your horse that you have now that works every fine day, do you expect him to be soon in a position also to retire? A. Oh, no; he is able to work every day if he can get it.

Q. He is able to work every day? A. Yes, sir.

Q. The difficulty with the horse is that you do not expect a pension for him when he retires? A. No; the trouble is, I do not get enough work for him.

Q. You do not have enough horses to employ? A. I have only two.

Q. Did you ever deal in horses? A. No, sir.

Q. Six hundred a year; how many sons have you? A. Four sons.

Q. What are they employed at each one? A. There is one of them in the street cleaning department, and two of them drivers a truck, one of them drives his own horse.

Q. And the fourth? A. Well, the fourth is going to school.

Etinne Bayer, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. What is your business? A. I am connected with the Bayer detective agency in the World building.

Q. You have a detective agency? A. Yes, sir.

Q. Were you not janitor of one of our civil courts? A. Yes, sir.

Q. Did you resign the position? A. Yes, sir.

Q. Who holds the position now? A. A son of mine, sir.

Q. The position has remained in the family? A. Yes, sir.

Q. What court are you janitor of? A. Fourth district court, sir.

Q. That is Judge Roescher's court? A. Yes, sir.

Q. How long is it since you left the police force? A. A little over six years.

Q. How old were you when you left the police force? A. Forty years.

Q. Forty years of age? A. Yes, sir.

Q. Well, you were employed in the cane business before you went on the police force? A. Yes, sir.

Q. Walking sticks, etc.? A. Umbrella handles and walking sticks.

Q. You were confined at that business, weren't you; it was telling upon your health? A. Not exactly.

Q. Had you ever complained about your health? A. No, sir.

Q. Before you went on the police? A. No, sir.

Q. Did you say how old you were before you left the police? A. Forty years.

Q. Do you receive a pension? A. Yes, sir.

Q. How much? A. Three hundred dollars a year.

Q. Three hundred dollars? A. Yes, sir.

Q. Why do you receive \$300? A. I had been disabled.

Q. Then you did not serve out your time? A. No, sir.

Q. How much time did you serve? A. A little over 10 years.

Q. And you made application to be retired? A. Yes, sir.

Q. How were you disabled? A. Shot in my right hand.

Q. Shot through your right hand? A. Yes, sir.

Q. You were a wardman? A. Yes, sir.

Q. Well, did the disability prevent you from discharging the duties of a wardman? A. Well, not exactly; but my hand commenced to pain me, and I got out and asked to be retired.

Q. What captain were you wardman for? A. Anthony J. Allaire.

Q. You say your hand commenced to pain you? A. Yes, sir.

Q. Did you find particular occupation for your hand while you were wardman? A. What is that; I did not catch it?

Q. Which hand was it? A. My right hand.

Q. I mean to say was your right hand called upon to perform any particular function while you were wardman? A. Not exactly.

Q. From the time you got shot in the hand until you left the department, how long was it? A. I should judge about three or four years.

Q. Three or four years; you were able to perform the duties of wardman notwithstanding your wound in the hand during that period of time? A. Yes, sir.

Q. Did you find any inconvenience in the flexibility of your fingers owing to the wound in your hand? A. Yes, sir.

Q. And you found that inconvenience becoming greater and greater every day? A. Yes, sir.

Q. Was there any difficulty in your twisting your hand and putting it behind you for instance? A. I do not understand you, Mr. Goff.

Q. Did you find any difficulty by reason of this wound in turning your hand backwards for instance? A. Yes.

Q. In the way I indicate (indicating)? A. Yes; I could not turn the right hand, but I might turn the left hand.

Q. Wasn't it a fact that the residents of your precinct were not used to dealing with officers who turned out their left hand? A. I can not tell you.

Q. Was it not understood that it was the right hand that was to be the agent or the go-between? A. I never was a go-between; and I don't know what you mean by go-between.

Q. Did you ever hear of the policeman's hand flexibly turning backward? A. I might.

Q. You understand what I mean? A. I understand you.

Q. Now, we understand each other; I want to know if this wound that you received in your hand interfered with the

flexibility of your hand in turning backwards while going around? A. I mean this —

Q. Wait (indicating by turning his hand backward)? A. I understand you entirely, yes, sir; it did.

Q. And when you found it did interfere with it you retired? A. Yes, sir; that is right.

Q. Your occupation was gone; wasn't that it? A. Yes, sir.

By Chairman Lexow:

Q. Do you understand what you are saying? A. Well, Mr. Goff, is explaining it all; I have not got to witness it; Mr. Goff is explaining it.

Q. It may be very funny for those who listen, but it may not be quite so funny for you; do you understand what you are doing here? A. I have not been saying anything; Mr. Goff has been doing the same, and I sat right here.

By Mr. Goff:

Q. You have been answering the questions? A. I answered some of the questions; yes, sir.

Q. And you told me you understood what I meant? A. I understood what you meant by using your right and your left hand.

Q. You understand, Mr. Bayer, that what I meant was, and what you understand I meant was, that the public understanding of the use of the policeman's hand, was to receive the bribes and the tips that were given him; you understand that, don't you? A. No, sir; I did not.

Q. Do you mean to say that you did not understand that? A. I did not; I mean to say that I did not put my hand to the right or left.

Q. I did not ask you what you did; I am asking you if you did; when you said you understood what I meant, if you did not understand by that — A. I might.

Q. And you did that; you did understand it? A. All right, sir.

By Chairman Lexow:

Q. Is that so; you are here under oath? A. I understand I am here under oath.

Q. Are you willing to swear to what you have been swearing?

A. To what?

Q. That the reason you went out of the police force was because you could not use the hand in the manner designated by Mr. Goff to receive bribes? A. No, sir; I did not say anything of the kind.

By Mr. Goff:

Q. You said it was because you could not use the hand in the manner indicated? A. No, sir; that was not the cause of it.

Q. That is what you swore? A. No, sir; Mr. Goff, that is not there.

Q. I am taking your own sworn statement, Mr. Bayer? A. That is right; I am willing to swear to the truth, but not be forced into it.

Q. Every question has been asked you in an intelligent manner.

By Chairman Lexow:

Q. You answer apparently with a great deal of gusto and pleasure to a state of facts which is certainly surprising, to say the least.

By Mr. Goff:

Q. Now, will you tell us the cause of your complaint against Captain Murphy? A. Yes, sir.

Q. Well, tell us the whole of it, now, like a good fellow? A. I met Captain Murphy some years ago; I do not exactly remember when it was; he asked me the loan of some money; I loaned him \$350, and I could not get it until I had to sue him for it; I sued him and he paid me.

Q. Is that the whole of it? A. Yes, sir.

Q. You did not sue him until after this committee commenced its sessions? A. What is that?

Q. You did not sue him until after this committee commenced its sessions? A. Correct, sir.

Q. And you announced if he did not pay you you would come before this committee and give your true reason why he owed you that money? A. I did not say anything of the kind.

Q. Did you say it? A. I might have said that.

Q. Did you say it? A. I don't remember whether I did or not.

Q. Will you swear you did not? A. I would not swear to that.

Q. Did you? A. I don't remember, sir.

Q. Will you swear as a fact that you did not say that if Captain Murphy did not come up with that money you would come before the Lexow committee and give the true inwardness or the transaction between him and you? A. I could not swear to that.

Q. Will you swear you did not say that? A. I could not swear to it, Mr. Goff.

Q. Will you deny you did not say it? A. I could not deny; I might have said it.

Q. That is in your mind to have done so if he did not come up to the scratch and pay you? A. I could not exactly respond because I don't remember it.

Q. That is not many months ago; that is in this year?

Senator Bradley.—I should think he would injure his business, for no one will want to hire a detective who is so short of memory as he is.

By Mr. Goff:

Q. Now, Mr. Bayer, it is within this year, and you have a distinct recollection of that whole transaction; now I ask if it is not a fact that you said, on more than one occasion, and to more than one person, or half a dozen persons, that unless Captain Murphy came up with his money that you would make it hot for him before the Lexow committee? A. I could not remember; and I could not.

Q. Do you think that you are impressing us with the belief that you are telling the truth? A. I am not impressing; I am saying, Mr. Goff, I might have said it; I might have said it.

By Chairman Lexow:

Q. That was in your mind, was it? A. I might have said it.

Q. You felt that way? A. I might have said I felt that way.

Q. Isn't it your present recollection you did feel that way at that time? A. I might come before the committee if he would not have paid me.

Q. That was in your mind at the time? A. It might be so.

Q. Is that your recollection now? A. At present; yes, sir.

By Mr. Goff:

Q. Now you are evading it, Mr. Bayer; tell us the true inwardness of it? A. I am telling you the whole truth, and nothing but the truth.

Q. What have the committee to do with a private transaction between one man borrowing and one lending to the other; the committee has nothing to do with that? A. I would have come before this committee any way.

Q. Why did you threaten this man if he did not pay you you would go before the Lexow committee, if there was not some reason that you believed he would pay you sooner than come before this committee? A. I could not have given you any reason; I might have said I would come before the Lexow committee.

By Chairman Lexow:

Q. What were you going to tell the committee? A. That he owed me the money, \$350.

Q. Was that all? A. Yes, sir.

By Mr. Goff:

Q. Do you mean to say that you thought the Lexow committee was here for the purpose of enabling men to collect their debts? A. I might have thought so.

Q. Did you; you had been a ward detective for a number of years; do you mean to say that you thought that the business of the Lexow committee in New York was for the purpose of enabling men to collect their private debts? A. Well, I thought on a general run a man has a charge against a police captain it would come up before the investigation committee.

Q. Private debts? A. Private debts; yes, sir.

By Chairman Lexow :

Q. How did that debt arise? A. He asked me the loan of \$350.

Q. Why? A. I did not ask the gentleman why; he was a police captain, and I was on the police, and he asked me to lend it to him, and I loaned it to him; did I ask him for what purpose; it would not be gentlemanly, I think, Mr. Chairman.

By Mr. Goff :

Q. Now, Mr. Bayer, you were wardman at the time Captain Murphy asked you for this loan? A. Yes, sir.

Q. And you were a wardman for Tony Allaire? A. Yes, sir.

Q. What precinct? A. The old Tenth, the present Eleventh.

Q. That is the Eldridge street station-house? A. Yes.

Q. Where was Captain Murphy's station at the time he secured this remarkable loan? A. I think it was in West One Hundredth street.

Q. West One Hundredth street, where he is now? A. I guess he is there now.

Q. And he is captain of the precinct? A. Yes, sir.

Q. Can you explain to this committee why it was that Captain Murphy, who has a salary of \$2,750 a year, and you a salary of \$1,200 a year, that he should come down from One Hundredth street station to the Eldridge street station to ask you, a poor ward detective, for a loan of \$350; will you explain that? A. No, sir; I could not.

Q. You could not explain it? A. No, sir.

Q. Did you ask the captain; had he no other friends on the force to borrow money from but from you? A. No, sir; I did not ask him.

Q. Where were you when the captain went to you to borrow money? A. On Grand street.

Q. Did he meet you by appointment? A. No, sir.

Q. Accidentally? A. Yes, sir.

Q. And was he in uniform? A. No, sir.

Q. And all that passed between you was what? A. He asked me if I had any money; I asked, "How much do you want;" he said, "I need \$350," and I gave it to him.

Q. Right there? A. Yes, sir.

Q. You have been in the habit of carrying a considerable roll of bills about you? A. I carried all I had.

Q. Had you been making your collections that day? A. Collection of what?

Q. Collections from the disorderly-houses of the precinct? A. No, sir.

Q. How did you, a poor policeman on \$1,200, come to have \$350 in your clothes without any notice or request being made upon you beforehand? A. I generally, like many others, I played poker and played horses.

Q. That is a stock answer, is it not? A. No; any gentleman that knows me knows I am a poker player and horse player.

Q. You recognize that that answer has been made by other policemen under similar circumstances? A. No, sir.

Q. Did you ever hear it before? A. Oh yes, sir.

Q. It is a common thing among those in the department by men called upon to explain there illgotten wealth to say they got it at horse and poker playing? A. I don't know anything about it.

Q. Did you ever hear it before? A. Oh yes, sir.

Q. Well now, let us see, you are a great poker player; everybody that knows you knows that? A. Yes.

Q. Where did you play poker? A. Club rooms Coney Island.

Q. Wait a while now; let us go easily; what club rooms? A. Coney Island, sir.

Q. At Coney Island? A. Yes, sir.

Q. What club room in Coney Island? A. In Bauer's.

Q. Is there a regular poker player's club there? A. It was a club.

Q. A club of what? A. Of a lot of gentlemen; a social club.

Q. What is its name? A. I don't remember, sir.

Q. How was it designated? A. There was a room there where people met.

Q. What was it called? A. I don't remember.

Q. You say a club; and club-houses have a name? A. I don't remember exactly its name.

Q. Yes you do remember; we will try to nurse your memory; the one in your mind is not interfering in your memory? A. No, sir; I hope not.

Q. What is the name of the club? A. I don't remember, sir.

Q. Do you remember there was a club there? A. Yes, sir.

Q. If you remember there was a club there, don't you remember the name of it? A. No, sir; I know a hundred clubs, but don't know their names.

Q. How frequently did this remarkable club meet? A. They have been there every night, I guess.

Q. And had it a president? A. I really could not tell you if it had a president or not.

Q. Or any officers? A. I could not tell you, sir; I know it was a club-room where a number of people met.

Q. You repeated that a number of times, and we don't want it again; had it any officers? A. Not as I know of.

Q. Was the rent of the room paid? A. I don't know.

Q. Were there any rules of the game? A. I don't know.

Q. Was there any limit? A. A dollar or two-dollar limit.

Q. How many times did you rake in the jack-pot? A. Not as often as you lost.

Q. Then you lost as much as you won there? A. Not that night.

Q. You said you did not rake in a jack-pot as much as you lost? A. I thought you asked me that night, that pot; I understood you to say, did I rake in that pot.

Q. What night did you think I was talking about? A. The jack-pot; if I raked in that jack-pot; that is what I understood.

Senator Cantor.—Are you suggesting legislation against jack-pots next winter.

Mr. Goff.—Oh, no; that would be sumptuary legislation.

Q. Now, I think you had better refresh your memory and answer us truthfully about this remarkable club; can't you give us — A. What answer can I give you.

Q. Can't you give us the name of any other men but yourself? A. No, sir.

Q. When did you join the club? A. I was not a member of it at all.

Q. You visited it frequently? A. Once in a while.

Q. To whom did you apply? A. It is so long ago I could not remember those names.

By Chairman Lexow:

Q. Were they strangers? A. Most people I knew went there in Coney Island.

Q. Was it not a club that paid initiation fees too, or monthly or yearly dues? A. I could not really tell you; of course I was not a member of it.

Q. You just went in there and pitched a game? A. Yes, sir.

By Mr. Goff:

Q. You said you went in there every night? A. No, sir; I did not say that.

Q. How frequently did you go there? A. Once in awhile.

Q. What does that mean? A. Once in awhile.

Q. How long is awhile? A. I might go there once a week; or twice a week.

Q. Once or twice a week? A. Yes, sir.

Q. You were in the habit of going in there once or twice a week? A. Sometimes I went in there once in a month.

Q. How many times did you go there? A. I could not remember it; I cannot tell how many times I went ten years ago.

Q. You remember going on the police force? A. Yes, sir.

Q. You remember playing in the poker club at Paul Bauer's? A. Yes, sir.

Q. Can't you tell us how frequently you played there? A. I cannot tell you.

Q. It was a general practice of yours to go there and play? A. Once in awhile I came up there and played.

Q. You say every gentleman that knows you knew you to be a poker player? A. Yes, sir.

Q. Did you ever know you were called a regular poker fiend? A. No; but friends that know me know I play poker.

Q. All the time? A. No, sir; not all the time.

Q. Do you ever play in New York? A. I might have played in New York.

Q. Will you swear you never played in New York? A. No; I would not do that.

Q. Where did you play in New York? A. I played up in the club.

Q. What club? A. I played in John J. O'Brien's; I was a member of it.

Q. Any other places? A. Well, there might be other places; it might be in the Comanche club.

Q. And any other places you played poker? A. I sat down and played in saloons.

Q. Saloons? A. Yes.

By Chairman Lexow:

Q. About every place where you got a chance, didn't you? A. No; I was not a professional gambler.

By Mr. Goff:

Q. You were next door to it? A. No, sir; not by a long shot.

Q. Now, it is a well-known fact that quite a number of officers in that precinct were great poker players? A. It might have been.

Q. Don't you know they were? A. No, sir; not as I know of.

Q. Did you ever play with them? A. I think I played once in my life with a policeman.

Q. Only once? A. Once in my lifetime with a policeman in the station-house.

Q. Only once? A. I won't say exactly; I would not swear to it.

Q. Didn't the officers of the precinct frequently go to the rooms of the Comanche club and play there? A. How should I know who went to the Comanche club and played there.

Q. Don't you know you saw them there; and played with them? A. I do not know that I saw them and played with them; I might have seen them.

Q. Is it not a notorious fact that nearly all the officers of the precinct played in the John J. O'Brien club, and the Comanche club? A. They might come up there and play; that might be so; but I would not swear.

Q. Don't you know you are lying, when you say you loaned Captain Murphy \$350 in cash money? A. I am not lying; I am telling the truth; I gave him \$350 in cash money.

Q. On Grand street? A. On Grand street; yes, sir.

Q. That remarkable transaction of a police captain? A. Yes.

Q. Coming down to you and asking for a loan of \$350; how much money did you have in your clothes when you gave him the \$350? A. I don't remember exactly.

Q. Hadn't you this \$350 in a large roll of bills? A. I don't remember exactly how much money I had, or how large a roll it was.

Q. You had \$1,000 in your possession? A. If you know more than I do, it is all right.

Q. Will you swear you had not more than \$1,000? A. I will swear I had not \$1,000.

Q. How much below \$1,000 did you have? A. I could not tell you.

Q. Didn't you tell Captain Murphy you would be only too happy to lend him more if he wanted it? A. No, sir; I did not say anything of the kind.

Q. Did you ask him when he would pay? A. I might have asked him that.

Q. Did he say when he would pay? A. Any time when you want it, he said, you will get it.

Q. Did he tell you what he wanted it for? A. No, sir.

Q. Now, don't you know that \$350 was claimed by you for a loss of interest upon moneys that you collected? A. Collected for what?

Q. Don't ask me, sir; answer my question? A. I want to know what I am going to answer.

Q. Answer my question? A. I want to ask your question.

Q. (Question read by the stenographer). Now don't you know that that \$350 was claimed by you for a loss of interest upon moneys that you collected? A. I don't know anything about the interest.

Q. Is that true or not? A. I want to understand the question thoroughly.

Q. (To stenographer) Read it again, sir. (Question read); now, don't you know that that \$350 was claimed by you for a loss of interest upon moneys that you collected? A. No, sir; it is not true.

Q. No truth in it whatever? A. No truth whatever.

Q. Did you ever collect any moneys for any purpose in connection with Captain Murphy? A. Never in my life.

Q. Was it not a fact that Captain Murphy was going to be transferred to that precinct, and that moneys were collected that he would pay in order to get transferred to that precinct? A. Not as I know of.

Q. Didn't you collect the moneys, or didn't you deposit the moneys that were collected in that precinct for Captain Murphy to come down there? A. Collected, how?

Q. Don't express so much surprise; didn't you collect the money from houses of ill-fame in that precinct, and liquor dealers, for the purpose of enabling Captain Murphy to get transferred down there, where he could get some money? A. No, sir.

Q. Wasn't the money deposited in the safe of a jeweler in Grand street? A. No, sir.

Q. And when he failed to get down there that you had to pay back the money that was collected? A. No, sir.

Q. Wasn't that the cause of your claiming that \$350? A. No, sir.

Q. Will you swear in your complaint you alleged you loaned him \$350 cash? A. Yes, sir.

Q. In your written complaint? A. I don't remember what the complaint was.

Q. Will you swear you alleged in your written complaint in court that you loaned him \$350 in cash? A. I don't remember exactly; I would not swear to it.

Q. Answer my question; will you swear now that you set out in your written complaint, when you sued Captain Murphy for this \$350, that you loaned him that money in cash; will you swear that? A. I will swear that anything in the written complaint—

Q. Answer the question? A. If it is in written complaint—

Chairman Lexow:

Q. Answer the question; will you swear that in that written complaint you stated that you had loaned Captain Murphy the \$350 referred to? A. If it is—

Mr. Goff.—Don't say, if it is.

By Chairman Lexow:

Q. You must remember whether you swore or not to a fact of that kind? A. Yes, sir; then it must be true.

By Mr. Goff:

Q. Did you? A. I guess so.

Q. Don't guess; did you swear in your complaint in the court against Captain Murphy that you loaned him \$350 in cash money? A. I can not answer that question.

Q. Don't you know whether you so swore or not? A. I don't remember it.

Q. It is only this year? A. Well, it might be; I don't remember what I had for dinner yesterday.

Q. Who is your attorney? A. Mr. Meyer.

Q. What number? A. I couldn't tell you that.

Q. Can you tell anything? A. Oh, yes, sir; anything I know I will tell.

Q. Can't you tell where your attorney's office is? A. No; it is on Broadway; I guess Broadway and Duane street; some of those streets there; I know the place.

Q. You have been to his office? A. Yes, sir.

Q. And don't you know what building you have been in? A. Yes, sir; I know where the place is, but I do not know the—I know what street it is; it is below Chambers street.

Q. Up Chambers street? A. No; down Broadway.

Q. Opposite the City Hall Park? A. No; further below; it is only one street below.

Q. I am calling this way up Broadway? A. I know; but it is up Broadway; I beg your pardon.

Q. Is it near Duane street? A. I guess it is corner of Duane and Broadway.

Q. On which side of Broadway? A. On the east side of Broadway—on the west side of Broadway.

Q. This is on the northeast corner? A. I think so.

Q. The entrance is on the side street, isn't it? A. Yes, sir.

Q. Now we have it; now, what is Mr. Meyer's Christian name? A. I could not tell you.

Q. You employed him to sue Captain Murphy for you? A. Yes.

Q. And he drew up a written complaint and you swore to that complaint, didn't you? A. I guess I did.

Q. Now, upon that complaint Captain Murphy made an answer, did he not, or to that complaint? A. I could not tell you.

Q. You don't know? A. No.

Q. But after the summons and complaint was served on Captain Murphy he came up with the money to you—to your attorney? A. Yes; to the attorney.

Q. It was on the calendar for trial, was it not? A. I guess it was.

Q. Don't you know it was; didn't you attend over here in the City Court ready for trial? A. That is right.

Q. More than once; answer? A. I guess that is right.

Q. And don't you know that you told a person that you would be subpoenaed before the Lexow committee if that trial went on? A. That I could not say.

Q. Will you swear you did not? A. I would not swear to it; no, sir.

Q. Did you talk to Murphy about it? A. About what?

Q. Did you have any talk with Murphy about this suit? A. Yes, sir; I told him I wanted that money.

Q. Where did you see him? A. In court.

Q. Didn't you tell him if he did not come down and settle you would come over here before this committee and tell them this whole transaction? A. Not as I know of.

Q. Will you swear you did not? A. I would not swear I did or did not; of course I could not remember; how could I swear to a thing I don't remember.

Q. I understand your memory; Mr. Bayer, I won't discharge you upon this phase of the case; we will talk with you again on this matter; on that subject we will drop you here; how many years were you wardman in that precinct? A. About seven years.

Q. How many houses of ill-fame were there in the precinct while you were there? A. I can not tell you.

Q. Were they so numerous? A. It was not my business to attend to it.

Q. What was your business as wardman? A. There was robberies and burglaries, and larcenies, etc., policy shops; I never attended to houses of ill-fame.

Q. Who attended to the houses of ill-fame? A. The captain sent out his man every day; I don't know who; changing them off.

Q. Did you ever arrest a man who was convicted of robbery, while you were there? A. Yes; plenty.

Q. Name me one? A. Walker.

Q. Did he go to State's prison? A. Yes.

Q. When? A. I couldn't tell you that; I don't remember that.

Q. You must be able to remember the names of others? A. Plenty sent to State's prison, but I can't give you names.

Q. Can you not give me the name of any besides this one man you have mentioned? A. No, sir; I have been out nearly seven years.

Q. Did you arrest any one for policy playing? A. Yes.

Q. How many did you arrest? A. Dozens of cases.

Q. You say it was not your duty to look after houses of ill-fame? A. It was my duty to look out for them, but I never went in one in my life.

Q. It was your duty to look after them, was it not? A. No, sir; we were not instructed to look out for houses of ill-fame.

Q. Do you not know it was your duty, as a ward detective, to detect every violation of law in that precinct? A. Yes, sir.

Q. You knew there were plenty of houses of ill-fame in that precinct? A. I wouldn't say plenty, there might be some of them.

Q. Hundreds — give me the number? A. I couldn't give you any number.

Q. That was one of the most notorious precincts in the city for houses of ill-fame? A. It might be so.

Q. And they flourished; did business there for years while you were there, did they not? A. Yes, sir.

Q. Did you ever have Martin Engel arrested for having accused you of having stolen his diamond pin? A. No, sir.

Q. Did you ever sue him for slander for having made this accusation against you? A. No, sir.

Q. Was it because you did steal the diamond pin that you did not sue him for slander? A. No, sir.

Q. What became of the diamond pin? A. Better ask Mr. Engel; he will be able to account for it better than I can.

Q. He did accuse you of stealing his diamond pin, did he not? A. Not to my knowledge.

Q. Is this the first time you ever heard of it? A. No; he went before the investigation committee, and that is what I heard; it is only rumor what I am saying, that is all.

Q. You heard he made a charge against you there? A. Not personally.

Q. You did not hear it personally, but you had been so informed? A. Not for stealing a diamond; no, sir, never heard of that.

Q. For stealing what? A. Stealing nothing; but he went over before the investigation committee and had me called up and I was examined there.

Q. About what? A. About the doings of the precinct; that is all.

Q. Do you remember whether anything came up in that examination about a diamond pin or a diamond stud? A. Not as I know of.

Q. Will you swear there was not? A. I couldn't swear to it.

Q. Will you deny it? A. I won't deny it or affirm it neither.

Q. Will you deny that Engel accused you of stealing from him a diamond stud — will you deny that? A. I will deny that he ever accused me of stealing a diamond stud.

Q. Or a diamond pin? A. Or a diamond pin.

Q. Or any article? A. Or any article; that he personally accused me, I will deny that.

Q. I didn't say that? A. You said accused me, didn't you?

Q. I didn't say personally; will you swear that you were not informed and did not hear that Engel accused you of stealing some article of jewelry or precious stone from him? A. I swear to that, that I was never informed.

Q. Have you never heard of it? A. No, sir.

Q. Is this the first time you ever heard of it? A. I heard he lost a diamond stone.

Q. Is this the first time he ever accused you of being the cause of the loss? A. Yes, sir.

Q. This is the first time you ever heard of it? A. Yes, sir.

Q. Did you ever hear your name mentioned in connection with the loss of the stone? A. Yes; Mr. Engel and I had a growl there and he said he lost his diamond stone.

Q. At the time of the growl? A. Yes, sir.

Q. You did have a growl? A. Yes, I had a growl with Engel.

Q. And as a result of the growl he lost his diamond stone? A. That is what he claims.

Q. That is what I asked you? A. Yes, sir.

Q. So it is not the first time you heard your name in that relation? A. That is the first time I have heard of being accused of it myself; you asked me if I heard I was accused.

Q. I am asking you if you heard of it? A. That he accused me?

Q. Yes. A. No, sir.

Q. This is the first time you have ever heard of it? A. Yes, sir.

Q. How is it, Mr. Bayer, that you allowed so many disorderly-houses to exist in that precinct of which you were the ward detective for so many years? A. The captain sent out his own men to report on these cases; I didn't have anything to do whatever with disorderly-houses.

Q. The work was divided up? A. Divided up; yes, sir.

Q. Did you ever make a complaint against a disorderly-house? A. I guess I did.

Q. Don't guess about it? A. I did.

Q. Name me one? A. I have raided a couple of them myself on complaints.

Q. On complaints of whom; people who had been robbed in them? A. Well, yes; citizens' complaints; I won't say exactly they had been robbed there.

Q. On citizens' complaints? A. Yes, sir.

Q. For some wrong sustained by the citizen? A. Yes, sir.

Q. Did you ever, as a policeman, make a complaint against any disorderly-houses in that precinct? A. I don't think I did.

Q. And the disorderly-houses existing there in that precinct flourished, did they not, while you were ward detective? A. Well, I won't say they flourished.

Q. They were open and did business? A. Not as I know of; I have never been in one; I couldn't state what was inside.

Q. Don't you know as a policeman? A. Well, yes.

Q. As a policeman that they did? A. I think they did; yes.

Q. Don't you know as a matter of fact that their doors were open, and men and women were going in and out of these houses; and you knew from their reputation they were houses of ill-fame — don't you know that? A. Yes; I guess I do.

Q. Can you tell this committee how it was that these houses of ill-fame kept open and doing business during the years that you were ward detective, and no effort made to suppress them? A. There has been dozens and dozens of efforts made to suppress them; they have been arrested; there have been warrants taken out against them, and still they were in existence.

Q. Where do you reside? A. Five hundred and twenty-one East Eighty-seventh street.

Q. How long have you been residing there? A. Well, off and on — sometimes I stopped down town.

Q. How, how long have you been residing at 521 East Eighty-seventh street? A. I guess about two years.

Q. Have you a family? A. Yes, sir.

Q. Does your family reside there? A. Yes, sir.

Q. Your wife? A. My wife.

Q. And children? A. Yes, sir.

Q. They live in 521 East Eighty-seventh street? A. Eighty-seventh street.

Q. And they have lived there for two years? A. About.

Q. Where did you register from at the last election? A. Forty-four Rivington street.

Q. You were arrested? A. No, sir.

Q. How did you come to register from 44 Rivington street, when you resided in Eighty-seventh street? A. I was living for two months in 44 Rivington street.

Q. And your wife and family resided uptown in Eighty-seventh street? A. Yes, sir.

Q. You went to live at 44 Rivington street, as you thought, for the purpose of registering down there and voting? A. I didn't say that.

Q. Was that not the purpose? A. No, sir.

Q. Will you explain why it was you left your residence, or at least took up a temporary residence at 44 Rivington street, while your wife and family remained in your home at Eighty-seventh street? A. I had a little quarrel with my wife, and I went out of the house.

Q. And that quarrel conveniently arose before election time? A. Yes, sir.

Q. Did you vote? A. Yes, sir.

Q. In the Third district? A. Yes, sir.

Q. Where are you residing now? A. In Eighty-seventh street.

Q. When did you go back to Eighty-seventh street? A. About a couple of days after election.

Q. From the period of two months before election, when you had this little quarrel with your wife, did you sleep every night in 44 Rivington street? A. Not exactly every night.

Q. Where did you sleep when you did not sleep at 44 Rivington street? A. Sometimes I slept in Eighty-seventh street, at that.

Q. Even in the presence of this terrible quarrel? A. It was no terrible quarrel; I didn't say that.

Q. It was a little quarrel? A. Little quarrel.

Q. Notwithstanding this little quarrel, you went back to Eighty-seventh street occasionally? A. Yes, sir.

Q. Three or four nights a week? A. Well, it might be so.

By Chairman Lexow:

Q. Is that your best recollection? A. I didn't keep any track, Mr. Chairman.

Q. About half the time? A. It is a hard thing to remember.

Q. I understand, but what we want to know is, about — about half the time? A. No; I wouldn't say that exactly.

By Mr. Goff:

Q. Don't you know that if you remained away from a home more than three nights a week that Mrs. Bayer would make trouble for you? A. Not as I know of.

Q. Don't you think she would? A. I don't know.

Q. Don't you think she would find fault with you? A. I couldn't tell you that.

Q. You didn't stay away more than three or four nights? A. I didn't stay exactly; I stayed three or four nights a week.

Q. You did not stay as much as that? A. I might, at that.

Q. Not more than three nights a week? A. I couldn't say exactly.

Q. Will you swear you stayed more than three or four nights a week? A. I wouldn't swear.

Q. Will you swear you stayed away more than two nights a week from Eighty-seventh street? A. Yes; positively.

Q. Now, two or three nights a week — which? A. Either way.

Q. Two or three? A. Make it three.

Q. Now, we have it that three nights a week you stayed away from Eighty-seventh street; now, these three nights a week you stayed away from Eighty-seventh street, where did you room? A. Forty-four Rivington street.

Q. What is 44 Rivington street? A. A gentlemen's furnished room house.

Q. Who keeps it? A. A party by the name of Gilfeather.

Q. Rooms for gentlemen only? A. Only.

Q. Did you take a room there? A. Yes, sir.

Q. Where did you take your meals? A. Feltstein's, in Grand street.

Q. Every meal? A. Sometime, if I would be down town; I lived down town.

Q. You took meals wherever you were, is that not the fact? A. That is right.

Q. The nights that you went home to see Mrs. Bayer and the little ones, you took your supper at home? A. I didn't have a meal in my house for 10 years.

Q. What, do you mean to say — A. With the exception of coffee, in the morning.

Q. Mrs. Bayer would not let you go out fasting, she was a good woman, good housewife? A. Yes, sir.

Q. She would not let you go out fasting, would she? A. I don't know about fasting business, I don't think she would let me fast; of course, I am old enough to take care of myself.

Q. You had coffee and rolls in the morning every time you went home? A. I never eat any breakfast.

Q. You had coffee and rolls? A. Sometimes I do and sometimes I don't.

Q. Did you take a trunk with you from Eighty-seventh street?

A. No, sir.

Q. What package or luggage did you take with you from Eighty-seventh street when you had this little quarrel with your wife? A. I had a suit of clothes, some shoes.

Q. You had that suit of clothes on you? A. No, sir.

Q. You had an additional suit of clothes? A. Yes, sir.

Q. You had a suit of clothes and some shoes, and what else? A. Shirt, handkerchiefs.

Q. How did you get those articles down to 44 Rivington street? A. Sent them down with my boy.

Q. In what way, a bundle, or how? A. Bundle.

Q. Hadn't you a portmanteau or traveling bag? A. I might have, yes,

Q. Did you use it? A. No, sir.

Q. Did you make up the bundle yourself? A. I did not, the boy made it up.

Q. What is the boy's name? A. Julius Bayer.

Q. How old is he? A. I beg your pardon.

Q. How old is the boy? A. He is 21 going on 22.

Q. Is he living in Eighty-seventh street now? A. Yes.

Q. Where you now reside? A. Yes, sir.

Q. Is he engaged in any business? A. Yes, sir.

Q. What business? A. Working at the bridge.

Q. The Brooklyn bridge? A. No, at the Harlem bridge.

Q. What position does he occupy there? A. I couldn't tell you.

Q. Is that the son who is janitor? A. No, sir.

Q. Can you not tell what position your son occupies at the bridge — is he bridge tender? A. I couldn't tell you.

Q. Is he working at the new bridge? A. Yes, sir.

Q. Has he a trade? A. No, sir.

Q. Was it this boy that took down this package down to Rivington street? A. I couldn't tell you; that is what I wanted to explain.

Q. Why did you mention his name? A. You asked me what the boy's name was.

Q. You said your boy took a bundle down to Rivington street, and I asked you what boy that was? A. I didn't understand you; I don't know who sent it, but it was down in 44 Rivington street, the clothes.

Q. You don't know how it got there? A. It was sent down by the boy, I don't know which boy.

Q. How did your wife know where to send? A. I left word there.

Q. With her? A. The boy.

Q. What boy? A. With both of them; I told them.

Q. Give their names? A. Emile and Julius.

Q. What time of day was it you left, or night? A. I didn't take a memorandum of it.

Q. I didn't ask you that? A. I can not remember that.

Q. Did you have this little quarrel with your wife immediately before you left? A. I couldn't answer that neither.

Q. Did you leave right after the quarrel? A. I couldn't answer that either.

Q. Did you sleep all night in your house after you had that quarrel? A. I might; I couldn't answer that.

Q. Did you not swear when you were brought up before Judge Grady that you lived at 44 Rivington street and drew your pension from there? A. No, sir.

Q. Were you examined before Judge Grady? A. Yes, sir; there was a summons issued.

Q. For false registration? A. Yes, sir.

Q. And you explained it away? A. Yes, sir.

By Chairman Lexow:

Q. Is that all the personal property you had at 44 Rivington street that you have mentioned? A. Some clothes and shoes. Senator Bradley.—You mentioned that before.

By Mr. Goff:

Q. The Senator asked you if that is all? A. That is all; yes, sir.

Q. Then you have a lot of other articles of clothing up at your house? A. Yes, sir.

Q. You did not take away all your clothing from your house? A. No, sir.

Q. Who pays the rent for that house? A. For what house?

Q. In Eighty-seventh street? A. Well, the boys help to pay it.

Q. Who pays the rent? A. I don't know who pays the rent.

Q. Did you ever pay the rent? A. Not lately.

Q. How much a month is it? A. Twenty dollars.

Q. Who hired those rooms? A. My wife, I guess.

Q. And you paid the rent after she hired the rooms? A. Yes, part of it.

Q. You are responsible to the landlord, Mr. Bayer? A. Not as I know of.

Q. You have assumed the responsibility, have you not? A. No; I don't know who the landlord is.

Q. Don't know who the landlord is? A. No, sir.

Q. Have you paid any rent since you went back there? A. I never paid the rent in my life; it is my wife that pays the rent.

Q. Have you given her money to pay the rent? A. I couldn't exactly tell.

Q. You give her money to support the house, and pay the rent, and everything, do you not? A. Not at present.

Q. Have you not been giving her money to support her? A. When I had it.

Q. You had it, had you not? A. No, sir.

Q. You had no money? A. No, sir.

Q. You mean to say you were living on your wife and on your sons? A. Yes, sir; I am at present on my sons, and the business I started in lately here.

Q. When did you start in this detective business? A. I guess about six weeks ago; it might be two months.

Q. I am speaking of the time you left Eighty-seventh street, you were not in the detective business then, private detective business then? A. No, sir.

Q. Were you in any business at all? A. No, sir.

Q. At the time that you left Eighty-seventh street? A. No, sir.

Q. You say you went back to Eighty-seventh street to stop altogether there two or three days after election? A. Well, it might be three days, four days; I couldn't say.

Q. Did you sleep in your house at Eighty-seventh street on election night—will you swear you did not sleep in Eighty-seventh street on election night? A. I slept in a Russian bath, Lafayette place.

Q. On election night all night? A. All night, yes; in a Russian bath.

Q. And did you leave the bath there next morning? A. Yes, sir.

Q. What hour? A. About 9 or 10 o'clock.

Q. Will you swear that you did not sleep in your house Monday night before election? A. When was the election?

Q. I think it was on Tuesday? A. Then I will stand corrected, I will correct that; I slept Monday night—

Q. In your house? A. No, no; Monday night I slept in the Russian bath, and Tuesday morning I went to the polling place right from the Russian bath; that is right.

Q. And Tuesday night where did you sleep? A. I couldn't exactly tell you.

Q. Yes you can? A. I guess I can't.

Q. You did not sleep in a cart? A. I don't think so.

Q. You didn't sleep in the park? A. I don't think so.

Q. Now, where did you sleep? A. I don't remember.

Q. Where did you sleep the next night, Wednesday night?
A. I don't remember it.

Q. Did you sleep in the street? A. No, sir.

Q. Sleep in a hallway? A. No, sir.

Q. Where did you sleep? A. I don't remember it.

Q. You slept in a bed? A. I think I did.

Q. Where was the bed situated? A. I don't remember it.

Q. Will you swear that you did not sleep in your house in Eighty-seventh street on Tuesday night? A. I couldn't swear to that.

Q. The 6th of November? A. I couldn't swear to that.

Q. Will you deny that you did not sleep there? A. I won't deny it.

Q. Will you deny on oath that you did not sleep there on Wednesday night, the 7th of November? A. I couldn't remember it.

Q. Would you deny it on oath? A. I won't deny it, and I can't affirm it.

Q. Will you deny that you slept in your house Sunday night, the 4th of November? A. I couldn't remember it.

Q. Will you deny that you slept in your house on Sunday night, the 4th of November? A. I couldn't remember it.

Q. Will you deny that you slept in your house; will you deny it? A. I can't remember it; I couldn't deny it; I don't remember it.

Q. Have you got any respect for an oath? A. Yes, sir; I am telling the truth; you don't want me to commit perjury, do you.

Q. I do not want to get into a controversy with you, I do not want any one to commit perjury? A. I am answering to the best of my belief, that is all.

By Senator Bradley :

Q. Where did you sleep last night? A. I slept home last night.

Q. Do you remember that? A. Yes, sir.

By Mr. Goff :

Q. I will ask you now if you did not sleep in your home at Eighty-seventh street on Sunday night, the 4th of November? A. I don't remember.

Q. Will you swear you did not? A. I don't remember; that is all I can tell you; I don't remember.

Mr. Goff.—I think we had better direct this testimony to be transmitted to the district attorney and the grand jury. I think if there ever was a case of deliberate false voting and registration it is this case.

Chairman Lexow.—The Senate committee orders the stenographer to make a transcript in conformity with the request of counsel, and submit it to the district attorney.

Q. What was the election district in which you voted? A. I guess the Twenty-fourth.

Q. And the Third assembly? A. Yes, sir.

Q. Where was the polling place situated? A. In Rivington street.

Q. Will you give us the number? A. I really don't remember it unless it is 48 or 46.

Senator O'Connor.—This man is a man of family.

Mr. Goff.—Yes, sir.

By Senator O'Connor :

Q. You did not intend to leave your wife? A. No, sir.

Q. You wanted to go back? A. I didn't look for a divorce.

By Mr. Goff :

Q. You had no ground for divorce against Mrs. Bayer? A. Certainly not.

Q. And even after this little quarrel you knew that you would make it up again and go back to her? A. Well, yes, I thought I might.

Q. And when you went to 44 Rivington street, you simply went there for temporary purposes, just until the little spat blew over, is that not right? A. Yes, sir.

By Senator O'Connor :

Q. You know the law requires you to state your true place of residence — you knew that? A. I know I am entitled to one vote.

Q. And you knew the law required you to state, when you registered, your proper place of residence? A. They asked me where I resided, and how long; and I said two months.

Q. You know that the law requires you to give your correct residence when you registered? A. I don't think I did know; I am not as far up in election law.

By Mr. Goff:

Q. I want to give you every opportunity; you were captain of the election district there? A. Yes, sir.

Q. Do you remember taking an oath before the police commissioners on the 1st of November, when you drew your pension? A. No, sir.

Q. Did you take an oath? A. No, sir.

Q. Or the month previous? A. No, sir.

Q. Do you remember making a statement to the police commissioners on the 1st of November, when you drew your pension? A. No, sir.

Q. Or to the clerk? A. To the clerk; yes, sir.

Q. Now, did you take an oath before the clerk? A. No, sir.

Q. Did you make a statement before the clerk? A. No, sir.

Q. Did he ask you anything at all when you went to draw your pension, about your place of residence? A. He might have asked me, yes — might.

Q. Did you not state there that your residence was in Eighty-seventh street? A. I might have stated it; I might have.

Q. You gave him the number? A. I might have.

Q. Did you not? A. I might have; I don't know.

Q. Will you deny an oath that you gave him your residence as your house in Eighty-seventh street — what is the number

of your house? A. Five hundred and twenty-one East Eighty-seventh street.

Q. Will you swear you did not tell the clerk at police headquarters, when you drew your pension, that you lived at 521 East Eighty-seventh street? A. I might have said that.

Q. Will you swear you did not say that to him? A. I won't swear to that.

Q. You stated that to him every time you went to draw your pension? A. I guess so.

Mr. Goff.—This witness admits having told the clerk at police headquarters on the 1st of November and the 1st of every month, when he went to draw his pension, that his residence was at 521 East Eighty-seventh street; he had to do that according to the rules, to state his residence.

Chairman Lexow.—He must have been mistaken in one case or the other.

Senator O'Connor.—To say the least.

Q. Did you swear in your vote? A. No; I wasn't challenged.

Q. You took an oath when you registered A. Yes, sir.

Mr. Goff.—That is a clear case of perjury.

Senator O'Connor.—Did he register from more than one place?

The Witness.—No, sir.

Charles S. Benedict, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. You are a physician? A. Yes, sir.

Q. And do you occupy a position in the health department? A. Yes, sir.

Q. What position do you occupy? A. As a diagnostician for the health department, and inspector.

Q. You are connected with the Bureau of Contagious Diseases? A. Yes, sir.

Q. Well, now, doctor, how much are you paying out of your salary, in consideration of the pension you expect to get? A. How much am I paying?

Q. Yes. A. I am not paying anything; I have paid.

Q. I wish to treat you as a gentleman I think you are — how much have you paid out of your salary? A. I have paid \$27.

Q. What did you pay that \$27 for? A. For the expenses incident to the securing the passage of a pension bill through the last Legislature.

Q. That pension bill was to pay pensions to doctors connected with the Bureau of Contagious Diseases? A. The doctors and those exposed to the dangers of contagious diseases — nurses, ambulance men.

Q. Will you tell us, I have not got the act, you have it fresh in your memory, for what period of service, or for what contingency is the pension to be paid? A. Strange to say, I have never read it myself.

Q. In general terms? A. In general term, I understand that at the lapse of 20 years at the discretion of the commissioners.

Q. The health commissioners? A. The health commissioners; a physician or person entitled to the provision of the pension bill may be retired on a sum not exceeding one-half of the salary at the time of retirement; and that in the event of death from diseases incurred while in the discharge of duty, a certain amount, I am not positive as to the exact amount, perhaps one-third, is to be settled upon the widow as long as she remains unmarried.

Q. What is your salary? A. One thousand eight hundred dollars.

Q. So that if such a contingency arose, which I hope will not in your case, for the misfortune to befall your family to lose you, your widow would be entitled to \$600 a year pension? A. I think something like that.

Q. And in case that you should live, and I hope you will live until your retirement, you would be entitled to a pension of \$900 at your present salary? A. Yes, sir.

Q. Of course, if you received more, you will be entitled to more pension? A. Yes; the amount can never be greater than \$1,200, according to the provisions.

Q. That is the maximum; how long were you a practicing physician in this city before you became attached to the health department? A. I graduated in 1882, and I became attached to the department in 1887; five years.

Q. So that you were five years a practicing physician in this city? A. Yes.

Q. During those five years you found it necessary in your practice, and in the pursuit of your profession, to treat many patients who had contagious diseases, did you not? A. Yes, sir.

Q. In fact every doctor in the city, I suppose, has to do that; and you run the risk of contagion in every case you treat? A. Yes, sir.

Q. Every doctor in the city, outside of those employed by the health department, run the same risk? A. Yes, sir.

Q. Every day? A. I cannot say yes to that question.

Q. Every doctor whose practice leads him into those parts of the city where contagious diseases may be rife, as it is called, is exposed to contagion? A. Yes, sir; just as a doctor in the health department is exposed; but they do not attend to the same number of cases.

Q. Now, do you know of any law that provides a pension for the family of a private physician, such a one as I have described, who might be stricken down to death by the contagion which he might contract in the course of his practice? A. No; I do not.

Q. So that we have it; take two physicians, one physician in his private practice stricken down from the contagion which he contracted in the pursuit of his profession, and the other, a doctor employed by the health department, stricken down by the contagion which he contracted in the pursuit of his official employment, his widow receives a pension; and the widow of the private physician does not get a pension? A. That is the fact; but there is a great difference.

Q. I understand the difference; I simply want the fact on the record? A. That is the fact.

Senator O'Connor.—Is not the health department required to take care of contagious diseases, so that a private physician is relieved from such cases?

Mr. Goff.—It becomes the duty of a private doctor, and he dare not, under the law, refuse a call to a contagious case.

Senator O'Connor.—They can always give an excuse, and say they have other business.

Mr. Goff.—Private doctors have to attend these cases; and I simply want the facts upon the record.

Chairman Lexow.—As matter of fact they do, I suppose.

Mr. Goff.—As matter of fact they do.

Chairman Lexow.—Only that the health physicians have more cases of the kind.

Mr. Goff.—I do not wish to enter into any discussion. All I want is the fact.

By Chairman Lexow:

Q. How many physicians were interested in this pension bill?

A. I should estimate, without knowing accurately, perhaps 40.

Q. Did they all contribute the same amount that you did?

A. No, sir.

Q. How was that graded? A. It was graded from the basis of length of service, and the amount of salary, having calculated the present value of a pension.

Q. Would your's be the average amount? A. I think mine was a little more than the average amount.

Q. So that the whole amount contributed would not exceed \$1,000? A. Then I must have made an error in some of my other figures, because the amount contributed was, in the neighborhood of \$1,400; between \$1,400 and \$1,500.

Q. What was that used for? A. I couldn't tell you that.

Q. Who did you pay it to? A. I paid \$800 to Doctor John Parsons, who was treasurer of the fund.

Q. You collected the money? A. I did and I did not.

By Mr. Goff:

Q. Tell us your relation to it? A. My position is this; Dr. Parsons was treasurer of a committee, the committee having in charge the necessary legislation, the necessary operations that were going through, I don't know what they were, but it was on the carpet more or less for the last nine years, that is it had previously been before the Assembly, and a list of the doctors was made, and a calculation was made based upon their salary and upon their length of service, by some one, I don't know exactly who made that list, and Dr. Parson was the treasurer of the fund, and he proceeded to collect the money, and I paid my assessment to him; but he lives in Kingsbridge and as this naturally called him to report at the office twice a week, and as it was very inconvenient for him to see the different doctors that come there, my business being that of an expert and being required to be there frequently, I was brought more intimately in connection with these men as they came to the office, and he asked me as a personal favor to him to take this list and see the men as they came in, and secure from them a contribution toward these expenses; I collected somewhere a little over \$1,000, I should say; I have all the figures, but haven't them with me, but not over \$1,500; of that amount

I paid to Dr. John Parsons \$800, and paid another member of the committee, a Mr. McGown, \$500, and to two persons who had overpaid their assessments to give money for pressing needs, expenses of the committees, etc., I returned a balance of \$64, making a total of \$1,364, and the balance I have in my own possession to-day.

Q. That is a very small balance? A. Yes.

Chairman Lexow:

Q. Don't you know what became of the money? A. I only know this in a general way, that Mr. McGown was presented with \$500 as his share of the expenses of the nine years that he had been at work on that matter.

Q. Do you mean to say that this \$1,000 covered the expenses and disbursements for the securing of this legislation covering a period of nine years? A. Yes, sir; so I am told, I know nothing more about it than I have been told; but that \$500 was used for that purpose; then the remaining \$800 I am told, and I have some evidence to support it, was used for the purpose of paying back money that had been advanced by different doctors to pay the expenses of committees that had gone to Albany on different occasions in different years, and the printing of the bills, legal expenses, and in addition to that providing — well, I suppose you can call it a memento or a testimonial, evidencing the appreciation of the doctors of the health department to those who interested themselves in the passage of the bill.

Q. Was the bill passed? A. Yes, sir.

By Mr. Goff:

Q. Did you ever pay an assessment on your salary before, except this one time, for the purpose of procuring this legislation? A. No, sir.

Q. This is the first year? A. This is the first year I ever paid an assessment; yes, sir.

Q. How many years have you been connected with the health department? A. Since 1887; that would be seven years.

By Chairman Lexow:

Q. Was it before or after the bill was passed that this assessment was made? A. After; it was all made along about in the

month I should say of May or June, perhaps April, but after everything had had been done.

By Mr. Goff:

Q. After the bill had become a law? A. After the bill had become a law.

Q. Can you explain how it is that there was no assessments made upon the doctors during the nine years, seven of which you have been in the department, to meet the current expenses of each year to procure this legislation? A. I can not; I don't know anything about it.

Q. Can you explain to us how it is the expenses incurred by the committees, or by the persons urging this legislation during the period of nine years could remain unliquidated until the year the bill passed? A. I don't know how that could be, except I know some of those who are said to have claims against the department were waiting for this very thing.

Q. But they never had been liquidated? A. They never had been liquidated because the matter had been waiting an adjustment.

Q. So that if any person or persons paid money out of their own pockets for expenses during the nine years of this agitation or effort to procure this legislation, they paid it out at their own expense and loss? A. For the time being, yes.

By Chairman Lexow:

Q. Was there an understanding among you that it would be repaid to them? A. No, I never heard of any such understanding.

Q. Some of the doctors took more interest in this legislation than others I suppose? A. Yes, sir.

Q. Paid the expenses out of their pockets and then made a bill against you when the law was passed? A. That was the idea.

By Senator Bradley:

Q. Do you remember who introduced the bill, who fathered the bill? A. I don't know that either.

By Mr. Goff:

Q. Who is Mr. McGown? A. Mr. McGown is one of the disinfectant corps, one of the ambulance drivers.

Q. How many persons altogether were affected by the bill, you say about 40 doctors? A. I should say 40 doctors, that is a rough estimate; I don't know.

Q. How about nurses, etc., and attendants? A. I don't know that; I can tell you the names on the list comprises of foolscap paper three pages; that gives you an idea of all the names of those that contributed, and I think that there are very few outside of those that are interested in it.

Michael Scanlon, a witness called on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Moss:

Q. You are a retired policeman, are you not? A. Twenty-two years and six months in the service.

Q. When were you retired? A. On the 30th of December, 1892.

Q. How much pension do you get? A. Six hundred dollars.

Q. Did you apply for retirement yourself? A. I did.

Q. For what reason? A. Well, I was troubled with rheumatism; I was detailed up to the Grand Central Depot and I had long standing on the sidewalk there in front of the incoming department, and I was subject to rheumatism and pains all over my system.

Q. Otherwise you were in good health? A. Well, after I got a rest I felt better.

Q. You feel better now? A. Well, yes; sometimes.

Q. Were not you a patrolman along with Captain Williams when he was a patrolman? A. Well, I don't know—no, he was my captain awhile at least; he was on the crossing on Broadway; I had a special block, not in the same precinct.

Q. I think you have stated you were a patrolman with him? A. Not in the same precinct.

John Gunner, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Moss:

Q. Ex-Captain John Gunner? A. That is my name.

Q. When did you retire from the force? A. December 28, 1891.

Q. How old are you now? A. Sixty-one, I claim.

Q. How long have you served? A. Near 31 years.

Q. What pension do you receive? A. One thousand three hundred and seventy-five dollars a year, during my lifetime.

Q. You are in good health, are you not? A. Yes; I have had a little trouble with my eyes.

Q. How long have you been captain? A. Near 21 years.

Q. You were an efficient captain, were you not? A. Regarded so at police headquarters.

Q. No complaints against you at headquarters? A. I have had complaints, but never was fined a day or had a reprimand in my life.

Q. There are a number of captains on the force now doing active duty over 60 years of age? A. Yes, sir.

Q. Did you retire voluntarily, on your own application? A. No, sir; I was fired out.

Q. How was that? A. They retired me under an option of the law, and under the rule of rotation.

Q. Because you were over 60 years of age? A. Yes, sir; they were not obliged to retire me.

Q. Are you one of the 60-year men? A. I am retired as a 60-year man.

By Chairman Lexow:

Q. So that, captain, notwithstanding you were able to do the business of your office, and fully competent to attend to it, and had no physical defect or failure, you were fired off the force, simply because you had reached the age of 60 years? A. I was fired off the force to make room for somebody else.

By Mr. Goff:

Q. And the salary, as far as you are concerned, is \$1,375? A. I have \$1,375, yes, sir; during my lifetime, that I did not ask for.

Q. Are you engaged in business? A. No, sir.

By Chairman Lexow:

Q. Who were the police commissioners when you received that treatment? A. Mr. Martin, Commissioner McClave, Commissioner Voorhis — McClave is the man that done it.

By Mr. Moss:

Q. McClave did it? A. It was his turn to get a captain, and he went for me.

Q. Who was appointed in your place? A. Strauss.

Q. Captain Strauss? A. Yes, sir.

Q. There was no vacancy at the time for Strauss and some one had to be retired to make it? A. They retired me to make room for him.

Henry V. Steers, a witness called on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Moss:

Q. You are an ex-inspector, are you not? A. Yes, sir.

Q. How long were you inspector of police? A. From 1885.

Q. From 1885 to what year? A. To 1892.

Q. And you retired then? A. Yes, sir; 1st of October, 1892.

Q. How long had you been on the force? A. Thirty-five years.

Q. Your age now? A. Sixty-two next January.

Q. Are there inspectors on the force at that age now? A. I don't think there are any inspectors as old as that.

Q. But there are some captains as old as that in active service? A. Yes, sir.

Q. Health good? A. Yes, sir.

Q. Did you retire voluntarily? A. I did on the ground that they were going to do it under the chief inspector's act, and that would take the pension of \$2,500 from me and bring me down to \$1,750, and I thought I had served a good long service in the department and I thought before they fired me out on the 60-year clause I would get out.

Q. By retiring when you did how much do you get? A. Two thousand five hundred dollars.

Q. And by staying a little longer you would have only got \$1,750? A. Yes.

Q. And that is the only reason you have got for retiring? A. Yes, sir.

Q. I am sorry you did because we like to have inspectors of your ability; I pay you that compliment because I have come in contact with you a great many times and know your worth. A. Thank you.

Peter Yule, called as a witness on behalf of the State, being duly sworn, testified as follows:

Q. Captain Yule, when did you retire? A. First day of July, 1890.

Q. How long have you been on the force? A. Thirty-two years and four months.

Q. Did you retire on your own application? A. No, sir.

Q. Who asked you to retire? A. Fired me out.

Q. Who did that? A. Board of police.

Q. What for? A. Sixty years of age.

Q. Was their any other reason? A. Not that I know of.

Q. Who took your place? A. I don't know, sir.

Q. Was there another captain appointed immediately after your going out? A. There were several, I believe, after I went out.

Q. You can not mention any one that was particularly slated to your place? A. No, sir.

Q. How old are you now? A. Sixty-five years of age the 12th of next March.

Q. And in good health? A. Fair.

Q. And able to perform the duties of captain? A. I was at the time.

Q. And willing to? A. Willing to, of course.

By Senator Lexow :

Q. Able to now? A. I am not broke down now, I don't think.

Q. We want to have it on the record as to whether or not in your judgment you would be able to perform the functions of police captain in this city if you had been permitted to do so by the board? A. I was at the time; I made every effort to keep on.

Q. And in your judgment you would be to-day? A. My health has been good ever since.

Q. You must know yourself whether you would be able to perform the functions properly of that office to-day if you had it? A. I think I would; yes, sir.

By Mr. Moss:

Q. There was no complaint against you? A. Not that I know of.

Q. Your record was good? A. Fair.

Q. What is your pension? A. One thousand three hundred and seventy-five dollars.

William H. Clinchy, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Moss:

Q. Where do you live? A. I live at White Plains.

Q. How long have you lived there? A. I lived there since April, 1892.

Q. When did you retire? A. In April, 1892.

Q. You went right to White Plains? A. Yes, sir.

Q. How long were you captain? A. Twenty-two years.

Q. How long on the force? A. Twenty-seven years.

Q. Why did you retire? A. Well, I got an attack of vertigo; my health was not very good.

Q. You retired on your own application? A. I retired on my own application.

Q. You get a pension of \$1,375? A. Yes, sir.

Q. Are you in fairly good health now? A. Yes, sir.

Q. Were you able to perform the duties of captain after you retired? A. Yes, sir.

Q. No complaints against you? A. No.

Q. What sort of a house do you live in at White Plains? A. I live on a farm about three miles from White Plains; large double house.

Q. How large is the farm? A. The farm is 160 acres.

Q. You own the farm? A. Yes, sir.

Q. How much is it worth, farm and buildings? A. Farm and buildings would be worth \$22,000; I was offered for it.

Q. Free and clear? A. I have a mortgage on it.

Q. How much? A. Ten thousand dollars.

Q. What other property do you own? A. I own, in Kansas, some 1,200 acres.

Q. In Kansas? A. Ninety miles from Kansas City.

Q. How much is that worth? A. That is worth—I paid three dollars an acre for it; and I have been in litigation ever since.

Q. How much is it worth? A. Three dollars an acre; that would be \$3,600.

Q. Any other property? A. No, sir.

Q. Any real estate in your wife's name? A. No, sir.

Q. Have you any bonds or stocks? A. No, sir.

Q. Or securities of any kind? A. No, sir.

Q. Is this farm, and the Kansas land, all your property?
A. All my property.

Q. Haven't you any money in the bank? A. Yes, sir.

Q. How much? A. I have got \$1,200.

Q. Is that all? A. That is all.

By Chairman Lexow:

Q. When was it you retired? A. In April, 1892.

Q. Are you to-day in a condition of health which would permit you to perform the duties of captain? A. Yes, sir; my health is better to-day.

Q. It is better to-day than it was then? A. Yes, sir.

Q. So that a short vacation would have put you in trim to have gone on with the work which you had in hand? A. It would; I went to see Dr. Florey; he attended me; I called on him.

By Mr. Moss:

Q. You were perfectly willing to retire, you wanted to retire?
A. Yes, sir; I applied for it.

Q. You were tired of the business? A. I wasn't tired of the business; I liked the business.

By Senator Bradley:

Q. Did you not get a hint to get out; did not some one on the force give you a hint that you had better get out? A. No; they did not; if they did I would not have got out; I wouldn't let anyone drive me out.

Mr Goff.—I wish to say, Mr. Chairman and gentlemen, that the counsel of this committee have no intention, or had they any intention whatever of casting any reflection upon any ex-police officers of any grade; we had no intention whatever, nor have we any intentions to reflect upon them or to criticise them in any way for what they may do in the pursuit of a livelihood after they leave the police department. That is to their credit; and as Mr. Moss has stated to me, from the appearance of the men who have left the department, contrasting them with the men who are in the department, there is decided difference, and one in favor, so far as appearances are concerned, of the men who have retired. It is not our purpose to annoy or vex, or reflect upon those men. Our simple purpose is that we have good reason to believe that in the administration of this police pension and in its operation, so far as the taxpayers are concerned as a public question and political economy in the city of New York, that it needs inquiry and investigation by the legislators. Our purpose has been to show to this committee that it is possible, and indeed probable that frauds—I don't mean acts of dishonesty—but that economical fraud has been perpetrated upon the taxpayers of the city of New York by reason of this police pension fund, and that it needs remedial legislation at the hands of the legislators of this city.

Chairman Lexow.—The point about it is this, is it not, that the city is entitled and should have the services of these men just as long as they are in a physical condition to perform those services satisfactorily. Now, under the present operation of the law they are retired in order to make place or room for somebody else they want to appoint upon the force, or they may retire themselves on application; either case is equally bad, because the city has got to pay a pension for no labor, whereas they ought to serve the city just as long as they can and are physically able to do so.

Mr. Goff.—In addition to that men, many of whom have been on this stand, who have shown a degree of intelligence, and physical capacity, etc., with their knowledge and their experience as police officers would be very valuable to the city and would render the police force more efficient than the services of the men brought in to discharge the duties in their stead, and that the city, if entitled to anything is entitled to best service, and the best service can be given by men who are

experienced, and who have proven themselves efficient in police work, that is the object, and then again—it is, however, your honest discussion which has suggested this thought to me—inasmuch as it is a matter of common and accepted notoriety in the police force of this city, these men have to pay \$300 to \$500 for appointment on the police force, that the more men that are retired on account of limit of service, the greater and wider the field for new men to come on and pay for their appointments in coming on. In other words, it is keeping up a condition of revenue.

Senator O'Connor.—It is quite evident on account of the men who have thus retired, that it has imposed an increased burden on the taxpayers to that extent. The law should be amended so as to prevent that clause, the right that they have to retire these men.

Chairman Lexow.—Until they are physically or wholly incapable of carrying on their business properly.

Mr. Moss.—Speaking of the expenses which Senator O'Connor has referred to, I have now in short form the moneys that were got last year, moneys received from the comptroller, \$300,000; that is the principal contribution; that money would have been applied to reduce taxation for other purposes. Sickness, members of the force, \$75,000; absence, members of the force, \$20,000; fines, members of the force, \$15,000; deduction of two per cent., \$61,000; unexpended balance, \$103,000; certificate of inspection of steam boilers, \$13,000; ball permits, \$8,000; pistol permits, \$1,000; unclaimed property sold, \$1,000; donations, \$1,000; percentage on reward \$5. I stop there for a moment. Rule 143 prohibits policemen from receiving rewards unless allowed by the board, and they must give 20 to 25 per cent. of the reward to the police pension fund. The only reward turned in by any member of the police force last year was subjected to a reduction of only \$5, and that was a reward received by one officer.

Chairman Lexow.—Twenty dollars.

Mr. Moss.—Twenty dollars. Now we have shown a number of cases where officers have received rewards for recovering stolen property; they have looked for this same thing a number of years, five or six years; one year it went as high as \$240. So it is from \$5 to \$90, the amount that is deducted for rewards, showing that all moneys received by headquarters detectives,

to which we shall call your attention a little later in detail, are put into their own pockets, are substantially bribes, are not turned in to police headquarters, and are not subjected to the reduction. Now, I will ask to close this part of the examination. I will ask all these retired officers that are present to stand up. Will you please do so, gentlemen? (All the retired officers in the court then stand up at the request of Mr. Moss.)

Mr. Goff.—These are the few of the men that we have picked out and subpoenaed, not by any law of selection, but because they were easy to be reached, living in the city of New York. I ask your honors to look at them, note their physical appearance, their moral standing, and to bear out what Mr. Moss has said that the apparent quality of these men that have been retired is very much in advance of the apparent quality of any similar number of policemen now on the force. It is a pity we should have to lose the services of men like these.

Senator O'Connor.—It would be a good idea to have a photograph of these men standing.

Mr. Moss.—I wish the stenographer shall make a photograph on his minutes, that a large number of men, 200 in number here arose, and the committee here noted their good physical and moral appearance.

Senator O'Connor.—They are all good looking men, we certify to that, and look capable of doing good work.

Mr. Moss.—And then upon the same thought, that the standard is different from the present grade of policemen as compared with these men, I have here letters written by ward leaders and politicians of all grades, including the Governor of the State down, requesting appointments on the police force. There are a great many letters here; 123 of them are written on the letter heads of Tammany Society. These are appointments of the force since Commissioner Martin became a commissioner, and that explains perhaps one reason why there is a degeneration in the force of late years.

Mr. Goff.—In addition to that it is proper to say here that Mr. Moss by his industry has gathered the facts that New York city is not alone to blame in this matter; it is not exclusively to blame.

Senator O'Connor.—The applications come from all over the State.

Mr. Goff.—Yes, sir; from the Governor down. We have a case here. We have sent a subpoena — is ex-Detective-Sergeant Mulvay here? (No response.) Ex-Detective-Sergeant Mulvay was a very efficient officer in the New York police protective bureau, an officer with a good record, a man of good and intelligent appearance; he retired on a pension, as a detective-sergeant, at \$1,000 a year; he was getting \$2,000; he retired on a pension of \$1,000 a year under the rule; he is now over in Brooklyn, a sergeant of police there, under the Brooklyn reform administration, and an applicant for a police captaincy in Brooklyn, drawing \$1,000 a year pension in New York.

Senator Bradley.—And \$2,000 in Brooklyn.

Mr. Goff.—And drawing \$2,000 in Brooklyn; he is an applicant now for captain in the Brooklyn force.

Senator O'Connor.—Did he retire voluntarily?

Mr. Goff.—He retired voluntarily.

Senator O'Connor.—That shows thrift.

Mr. Moss.—I now offer in evidence the report of the pension fund last year.

The paper referred to, offered in evidence, is marked Exhibit No. 6, and is as follows:

THE CITY RECORD — OFFICIAL JOURNAL, 1893.

New York, Tuesday, February 19, 1894.

Board of Aldermen:

(From proceedings of Board of Aldermen of February 6, 1892.)

Communications from Departments and Corporation Officers. The President laid before the Board the following communication from the Police Department:

Treasurer's Office.—Police Department of the city of New York, No. 300 Mulberry street, New York, January 23, 1894.

To the Honorable the Board of Aldermen of the City of New York:

Gentlemen.—At a meeting of the Trustees of the Police Pension Fund, held this day, the following resolution was adopted:

Resolved, That the secretary of the Police Pension Fund be and is hereby directed to transmit to the Honorable the Board of Aldermen, the account of the Police Pension Fund for the year ending December 31, 1893.

GEORGE P. GOTT, Secretary.

Treasurer's office.—Police Department of the city of New York. No. 200 Mulberry street, New York, January 23, 1894.

To the Trustees of the Police Pension Fund :

Gentlemen.—I herewith submit a detailed statement of the receipts and disbursements of the Police Pension Fund for the year ending December 31, 1893.

Respectfully,

JOHN McCLAVE,

Treasurer.

New York, January 17, 1894.

To the Honorable the Board of Aldermen of the city of New York :

Gentlemen.—In pursuance of chapter 410, section 303, Laws of 1882, as amended by chapter 180, Laws of 1884, the Trustees of the Police Pension Fund of the Police Department of the city of New York, herewith respectfully submit the following report, in detail, of the condition of said fund and the item of their receipts and disbursements on account of the same for the year ending, 1893.

Respectfully,

CHARLES F. MACLEAN, Chairman,

Board of Trustees, Police Pension Fund.

POLICE PENSION FUND.

Receipts for the year ending December, 1893.

1893.

Jan.	3. By balance, cash on hand.....	\$19,924 26
	4. By cash, Sergeant Cooper, Thirty-fourth precinct, donation.....	9 55
Jan.	7. By cash, Officer Wood, Thirty-third precinct, donation	2 46
	9. By cash, Thomas Byrnes, superintendent, ball permits, week ending, January 7.	200 00
	10. By cash, Van Tassel & Kearney, sale of horse from Thirty-second precinct..	14 25

1893.

Jan.	16. By cash, Thomas Byrnes, superintendent, ball permits, week ending January 14	\$335 00
	23. By cash, Thomas Byrnes, superintendent, ball permits, week ending January 21	500 00
	By cash, board of police, portion of the unexpended balance of police fund, salaries of members of the force, 1892.	75,000 00
	30. By cash, Thomas Byrnes, superintendent, ball permits, week ending January 28	660 00
Feb.	1. By cash, Thomas Byrnes, superintendent, pistol permits for January	62 50
	4. By cash, board of police, portion of the unexpended balance of police pension fund, salaries of the members of the force of 1892	28,000 00
	6. By cash, Thomas Byrnes, superintendent, ball permits, week ending February 4	785 00
	11. By cash, board of police, sick for January	10,127 34
	By cash, board of police, absence for January	338 72
	By cash, board of police, fines for January	547 37
	13. By cash, Thomas Byrnes, superintendent, ball permits, week ending February 11	820 00
	20. By cash, Thomas Byrnes, superintendent, ball permits, week ending February 18	960 00
	24. By cash, Van Tassel & Kearney, sale of horse from Thirty-third precinct	23 75
	By cash, comptroller of the city of New York, one quarter of \$300,000, excise moneys, ending May 8, 1893	75,000 00
	27. By cash, Thomas Byrnes, superintendent, ball permits, week ending February 25	865 00

1893.

Feb.	27. By cash, Officer Reap, detective-sergeant, percentage on reward.....	\$5 00
Mar.	1. By cash, tenement and lodging-house	
	By cash, Officer Reap, detective squad, unexpended balance of the account of 1892	75 78
	By cash, Officer Moran, Twenty-first precinct, donation	5 32
	By cash, Officer Padain, Twenty-first precinct, donation	2 26
	By cash, Officer Fitzgerald, Twentieth precinct, donation	13 15
	By cash, Officer Davy, Nineteenth precinct, donation	4 93
	By cash, Officer Doolin, Sanitary Company, donation	11 47
	By cash, Officer Firmessen, Eleventh precinct, donation	6 84
	2. By cash, Captain Slevin, Fourth precinct, donation	28 17
	By cash, Officer Kelly, Eighth precinct, donation	3 26
	By cash, Officer Hartnett, Eighth precinct, donation	2 73
	By cash, Officer Riley, Sixteenth precinct, donation	2 72
	By cash, Officer Daly, First precinct, donation	4 11
	By cash, Officer Carlin, Twenty-eighth precinct, donation	4 10
	By cash, Officer Godfrey, Twenty-third precinct, donation.....	3 28
	By cash, Officer Breen, Twenty-third precinct, donation	2 73
	3. By cash, Officer Converse, Twenty-seventh precinct, donation.....	8 20
	4. By cash, Officer Nolan, Fourteenth precinct, donation.....	4 92
	By cash, Officer Gilmore, Second precinct, donation.....	3 28
	6. By cash, Thomas Byrnes, superintendent, ball permits, week ending March, 4	550 00

1893.

Mar.	6. By cash, Officer Brest, Twenty-sixth precinct, donation	\$3 41
	By cash, Officer O'Mara, Thirty-fifth precinct, donation	3 28
	By cash, Thomas Byrnes, superintendent, pistol permits for February.	92 50
	7. By cash, Officer O'Neill, Twentieth precinct, donation	4 50
	11. By cash, board of police, sick for February	7,389 25
	By cash, board of police, absence for February	593 68
	By cash, board of police, fines for February	797 91
	14. By cash, Thomas F. Byrnes, superintendent, ball permits, week ending March 11	280 00
	15. By cash, Captain Eakim, Twelfth precinct, donation....	5 65
	20. By cash, Officer Murtha, Thirtieth precinct, donation	4 92
Apr.	By cash, Thomas Byrnes, superintendent, ball permits, week ending March 18	325 00
	By cash, Thomas Byrnes, superintendent, ball permits, week ending March 25	215 00
	30. By cash, Inspector Williams, donation,	9 50
	3. By cash, Officer Leddy, Thirty-fifth precinct, donation	3 75
	By cash, Officer Gilmartin, Thirty-fifth precinct, donation	2 46
	By cash, Sergeant Kirchner, Thirty-second precinct, donation.....	10 95
	By cash, Officer Clarson, Ninth precinct, donation	4 92
	By cash, Officer Wheelan, Ninth precinct, donation	2 46
	By cash, Officer Bloss, Twenty-fourth precinct, donation	4 93

1893.		
Apr.	3. By cash, Officer Buckley, Twenty-third precinct, donation	\$2 46
	By cash, Officer Phillips, Twenty-third precinct, donation	2 46
	By cash, Officer Harold, Thirty-first precinct, donation	4 50
	By cash, Officer Walsh, Thirteenth precinct, donation	4 92
	By cash, Officer Oppenheimer, Thirteenth precinct, donation	4 10
	By cash, Officer Hildebrand, Twenty-seventh precinct, donation	4 10
	By cash, Captain Grant, Seventeenth precinct, donation	7 51
	By cash, Officer McCrea, Fifth precinct, donation	4 93
	By cash, Roundsman Taylor, Fifth precinct, donation	1 77
	By cash, Thomas Byrnes, superintendent, ball permits, week ending April 1,	60 00
	By cash, Sergeant McMilan, Second precinct, donation	4 10
	By cash, Officer Kasshau, Twenty-ninth precinct, donation	4 50
	By cash, Officer Gehan, Twenty-ninth precinct, donation	8 22
	4. By cash, Captain McCullagh, Eighth precinct, donation	35 68
	By cash, Officer Haddock, Tenth precinct, donation	3 28
	By cash, Officer Tabell, Nineteenth precinct, donation	4 10
	By cash, Officer Cahill, Twentieth precinct, donation	4 93
	6. By cash, Thomas Byrnes, superintendent, pistol permits for March.....	92 50
	10. By cash, Thomas Byrnes, superintendent hall permits, week ending April 8	100 00
	11. By cash, Officer O'Connor, Thirty-second precinct, donation	6 56

1893.

April	11.	By cash, board of police, sick for March,	\$8,661 27
		By cash, board of police, absence for March	989 06
		By cash, board of police, fines for March	1,534 51
	12.	By cash, certificates of inspection of steam-boilers for January.....	954 00
		By cash, certificates of inspection of steam-boilers for February.....	866 00
		By cash, certificates of inspection of steam boilers for March.....	954 00
		By cash, Bowery Bank, February 3....	102 03
		By cash, Bowery Bank, March 3.....	274 05
		By cash, Bowery Bank, April 4.....	473 69
May	1.	By cash, Captain McCullagh, Eighth precinct, donation.....	11 30
		By cash, Officer Nealis, Seventeenth precinct, donation.....	3 28
		By cash, Officer Cooney, Fourteenth precinct, donation	4 93
		By cash, Officer Corbett, Thirty-fifth pre- cinct, donation	2 78
		By cash, Officer Wines, Eighteenth precinct, donation	4 93
		By cash, Officer Teoven, Twenty-ninth precinct, donation	4 11
		By cash, Officer O'Leary, Twenty-ninth precinct, donation	4 93
		By cash, Officer O'Hara, Twenty-ninth precinct, donation	4 93
		By cash, Officer Armstrong, Twenty- third precinct, donation.....	3 28
		By cash, Officer Murphy, Twenty-third precinct, donation	3 28
		By cash, Officer Barnwell, Fourth pre- cinct, donation	2 46
		By cash, Officer Vallean, Twenty-fourth precinct, donation	3 28
	4.	By cash, Officer Corbett, Thirty-second precinct, donation	3 01

1893.

May	4. By cash, Van Tassel & Kearney, for sale of two horses from Thirty-fourth precinct	\$85 75
	5. By cash, Captain Schultz, Sixteenth precinct, sale of mutton found in street,	1 00
	10. By cash, board of police, sick for April,	7,356 65
	By cash, board of police, absence for April	866 00
	By cash, board of police, fines for April	2,082 73
	13. By cash, J. Hempel, through Sergeant Mullin, donation	5 00
June	24. By cash, comptroller of the city of New York, one-quarter of \$300,000, excise moneys, in full, ending May 8, 1893..	75,000 00
	1. By cash, Officer Tonhill, Second precinct, donation	4 93
	By cash, Officer Gleason, Seventeenth precinct, donation	2 46
	By cash, Officer Storms, Twenty-first precinct, donation	4 10
	2. By cash, Officer Gilmartin, Thirty-fifth precinct, donation	2 46
	By cash, Officer Brougham, Tenth precinct, donation	4 93
	By cash, Officer Miller, Fourteenth precinct, donation	4 93
	3. By cash, Officer Madden, Thirty-third precinct, donation	2 46
	7. By cash, Officer Nolan, Twenty-sixth precinct, donation	2 46
	12. By cash, John F. Harriott, property clerk, Twenty-fourth precinct, auction sale, May 25, 1893.....	528 00
	14. By cash, board of police, sick for May,	5,919 37
	By cash, board of police, absence for May	793 80
	By cash, board of police, fines for May,	1,770 25
	By cash, board of police, 2 per cent. deduction on salaries of members of the force for May, in pursuance of chapter 529, Laws of 1893.....	7,689 60

1893.

June	27. By cash, Van Tassel & Kearney, sale of two horses, from Thirty-fourth precinct, and one horse from Thirty-fifth precinct	\$150 00
	By cash, certificate of inspection of steam-boilers for April	1,088 00
	By cash, certificate of inspection of steam-boilers for May.....	1,324 00
July	5. By cash, Officer Foy, Sixteenth precinct, donation	3 28
	By cash, Captain Berghold, Twenty-third sub-precinct, donation.....	11 30
	By cash, Officer Clark, Thirteenth precinct, donation	3 76
	By cash, Officer Snyder, First precinct, donation	4 93
	By cash, Officer Jacoby, Thirty-second precinct, donation.....	3 28
	By cash, Officer Hamil, Twenty-seventh precinct, donation.....	3 28
	By cash, Officer Sheridan, Twenty-fifth precinct, donation	2 73
	6. By cash, Officer McLaughlin, Seventeenth precinct, donation.....	2 46
	By cash, Officer Leonard, Twelfth precinct, donation.....	3 28
	11. By cash, Officer Dapping, Eleventh precinct, donation.....	3 28
	12. By cash, board of police, sick for June, By cash, board of police, absence for June	5,228 07
	By cash, board of police, fines for June, By cash, board of police, 2 per cent. deduction on salaries of members of the force for June, in pursuance of chapter 529, Laws of 1893.....	2,036 46 838 34 7,571 32
	13. By cash, John F. Harriott, property clerk, Twenty-fifth precinct, auction sale	395 50
	14. By cash, Officer Archbold, Twenty-third sub-precinct, donation.....	49 31
	19. By cash, Inspector Williams, donation,	18 26

1893.	
Aug.	<ol style="list-style-type: none"> 1. By cash, certificates of inspection of steam-boilers for June..... \$1,058 00 2. By cash, Sergeant Galigher, Twelfth precinct, donation..... 13 69 By cash, Officer Whitehouse, Fourth precinct, donation 4 93 By cash, Officer Hawkins, Eighteenth precinct, donation 4 93 By cash, Officer Ahrens, Fourteenth precinct, donation 4 52 3. By cash, Officer Wade, Twenty-ninth precinct, donation 8 22 By cash, Officer Baldwin, Twenty-fourth precinct, donation 7 53 4. By cash, interest, Bowery Bank, May 3, 259 54 By cash, interest, Bowery Bank, June 3, 277 74 By cash, interest, Bowery Bank, July 3, 413 42 By cash, interest, Bowery Bank, August 3 231 02 9. By cash, board of police, sick for July, 4,390 25 By cash, board of police, absence for July 4,072 17 By cash, board of police, fines for July, 1,270 53 By cash, board of police, 2 per cent. deduction on salaries of the members of the force for July, in pursuance of chapter 529, Laws of 1893..... 7,828 21 By cash, Van Tassel & Kearney, for sale of two horses, August 4..... 47 50 25. By cash, comptroller of the city of New York, one-quarter of \$300,000, excise moneys, ending August 8..... 75,000 00 By cash, certificate of inspection of steam-boilers for July..... 962 00
Sept.	<ol style="list-style-type: none"> 1. By cash, Daniel H. Smith, surgeon, absence for August 181 45 2. By cash, Captain Dougherty, Fourteenth precinct, donation..... 150 68 By cash, Officer Fahey, Thirty-third precinct, donation 49 18 4. By cash, Officer Rabbett, Twenty-second precinct, donation..... 3 28

1893.

Sept.	4. By cash, Officer Brown, Eighth precinct, donation.	\$4 93
	5. By cash, Officer Pratt, Seventeenth precinct, donation.	2 46
	By cash, Officer Rowley, Seventeenth precinct, donation.	49 31
	By cash, Officer Shannon, Twenty-seventh precinct, donation.	3 28
	By cash, Van Tassel & Kearney, sale of one horse, September 1.	16 50
	By cash, Isaac Sommers & Co., donation.	25 00
	8. By cash, Captain Shultz, Sixteenth precinct, sale of potatoes found in street.	1 00
	9. By cash, Doorman Strauss, Central department, donation.	2 73
	11. By cash, Captain Warts, Sixth precinct, donation.	30 13
	13. By cash, board of police, sick for August.	4,944 72
	By cash, board of police, absence for August.	5,075 62
	By cash, board of police, fines for August.	969 97
	By cash, board of police, 2 per cent. deduction of salaries of members of the force for August, in pursuance of chapter 529, Laws of 1893.	7,793 27
	16. By cash, board of police, being balance of appropriation unexpended of police pension fund of 1892, salaries of members of the force.	815 71
	By cash, board of police, unclaimed salaries of 1892.	118 82
	19. By cash, G. L. Rives, donation.	100 00
	23. By cash, certificates of inspection of steam-boilers for August.	1,298 00
Oct.	2. By cash, Officer Connor, Central department, donation.	48 49
	3. By cash, Officer Dealings, Twelfth precinct, donation.	9 58

1893.

Oct.	3. By cash, Officer Stackpole, Eight precinct, donation.	\$2 05
	By cash, Officer Schoell, Eighteenth precinct, donation	23 01
	By cash, Officer Burns, Twenty-seventh precinct, donation	3 01
	By cash, Officer Fullerton, Twenty-sixth precinct, donation	2 05
	By cash, Officer Vosburg, Thirtieth precinct, donation	23 01
	By cash, Officer Logan, Eighth precinct, donation	46 09
	By cash, Officer Slattery, Second precinct, donation	4 93
	By cash, Captain Cortright, First precinct, donation	33 90
	5. By cash, Officer Rafferty, Sixteenth precinct, donation	4 10
	By cash, Officer Kremmelbin, Twenty-seventh precinct, donation	3 28
	By cash, Captain Westervelt, Twenty-eighth precinct, donation	15 06
	9. By cash, Thomas Byrnes, superintendent, pistol permits for April, May, June, July, August and September,	682 50
	By cash, board of police, sick for September	4,585 61
	By cash, board of police, absence for September	3,206 71
	By cash, board of police, fines for September.	1,389 57
	By cash, board of police, 2 per cent. deduction on salaries of the force of members for September, in pursuance of chapter 529, Laws of 1893.	7,554 01
	16. By cash, Thomas Byrnes, superintendent, ball permits, week ending October 14	150 00
	23. By cash, Thomas Byrnes, Superintendent, ball permits, week ending October 21	100 00

1893.

Oct.	30. By cash, Thomas Byrnes, superintendent, ball permits, week ending October 28	\$25 00
	By cash, Captain Cross, sale of currant jelly	1 20
Nov.	1. By cash, Inspector Conlin, donation...	67 35
	2. By cash, Officer Kinsman, Sixth precinct, donation	5 75
	By cash, Officer McConnell, Twenty-second precinct, donation	49 31
	By cash, Officer Kelly, Fifth precinct, donation	4 93
	By cash, Officer Flynn, Fifth precinct, donation	8 22
	3. By cash, Thomas Byrnes, superintendent, pistol permits for October.....	127 50
	By cash, Officer Gilligan, Twenty-third precinct, donation	2 73
	By cash, Officer Lober, Thirty-first precinct, donation	4 93
	By cash, interest, Bowery Bank, September 3	211 26
	By cash, interest, Bowery Bank, October 3	395 33
	By cash, interest, Bowery Bank, November 3	205 33
	6. By cash, Thomas Byrnes, superintendent, ball permits, week ending November 4	60 00
	13. By cash, Thomas Byrnes, superintendent, ball permits, week ending November 11	185 00
	14. By cash, board of police sick, for October	4,956 45
	By cash, board of police, absence for October	1,276 21
	By cash, board of police, fines for October	963 95
	By cash, board of police, 2 per cent. deduction on salaries of members of the force for October, in pursuance of chapter 529, Laws of 1893.....	7,860 64

1893.

Nov.	14. By cash, certificates of inspection of steam-boilers for September.....	\$1,482 00
	By cash, inspection certificates for steam-boilers for October	1,356 00
	20. By cash, Thomas Byrnes, superintendent, ball permits, week ending November 18	85 00
	27. By cash, Thomas Byrnes, superintendent, ball permits, week ending November 25	195 00
	29. By cash, National Horse Show Association, prize money	350 00
Dec.	2. By cash, Captain Gallagher, Eighteenth precinct, donation	16 95
	By cash, Captain Price, Twentieth precinct, donation	20 77
	By cash, Captain Cross, Fifth precinct, donation	7 53
	By cash, Captain Haughey, Fifteenth precinct, donation	20 71
	4. By cash, Officer Murphy, Fourth precinct, donation	9 86
	By cash, Officer Barnes, Twenty-third precinct, donation	2 46
	By cash, Thomas Byrnes, superintendent, ball permits, week ending December 2	255 00
	By cash, Officer McCullagh, Twenty-first precinct, donation	4 10
	By cash, Officer Sexton, First precinct, donation	4 10
	By cash, Officer Barnwell, Fourth precinct, donation	3 28
	5. By cash, Officer Sullivan, Twenty-fifth precinct, donation	3 28
	By cash, Officer Kneeling, Fourteenth precinct, donation	4 93
	8. By cash, check No. 1133, dated April 1, 1892, to order of Henry A. McDermott	16 43
	By cash, Captain Donohue, Second precinct, donation	28 25

1893.

Dec.	8. By cash, Captain Stevenson, Seventh precinct, donation	\$37 67
	By cash, Officer O'Brien, Second precinct, donation	4 10
	11. By cash, Thomas Byrnes, superintendent, pistol permits for November..	122 50
	11. By cash, Thomas Byrnes, superintendent, ball permits, week ending December 9	120 00
	12. By cash, board of police, sick for November	5,333 92
	By cash, board of police, absences for November	801 33
	By cash, board of police, fines for November	1,724 35
	By cash, board of police, 2 per cent. deduction of salaries of members of the force for November, in pursuance of chapter 529, Laws of 1893.....	7,687 38
	16. By cash, certificates of inspection of steam-boilers for November.....	1,212 00
	18. By cash, Thomas Byrnes, Superintendent, ball permits, week ending December 16	125 00
	20. By cash, Thomas Byrnes, superintendent, ball permits, week ending December 23	150 00
	28. By cash, comptroller of the city of New York, one-fourth of \$300,000, excise moneys, ending November 8.....	75,000 00
	30. By cash, John F. Harriott, property clerk, Twenty-sixth precinct, auction sale	405 07
	30. By cash, Thomas Byrnes, superintendent, pistol permits for December....	165 00
	30. By cash, Hugh N. Camp, donation....	25 00
	By cash, certificates of inspection of steam-boilers	1,142 00
	By cash, Thomas Byrnes, superintendent, ball permits, week ending December 30	225 00

1893.

Dec. 30. By cash, board of police, sick for December.	\$6,952 34
By cash, board of police, absence for December	530 85
By cash, board of police, fines for December	1,775 17
By cash, board of police, 2 per cent. deductions of the force for December, in pursuance of chapter 529, Laws of 1893	7,914 18
	<hr/>
	\$627,984 75
	<hr/>

RECAPITULATION OF RECEIPTS.

Excise moneys received from the comptroller....	\$300,000 00
Sickness, members of the force.....	75,845 24
Absence, members of the force.....	20,762 06
Fines, members of the force.....	15,664 65
Deduction in pursuance of chapter 529, Laws of 1893	61,898 61
Unexpended balance of police fund, salaries of members of the force	103,891 49
Certificates of inspection of steam boilers.....	13,696 00
Ball permits	8,405 00
Pistol permits	1,345 00
Sale of unclaimed and police property.....	1,670 42
Donations	1,511 26
Percentage on reward	5 00
National Horse Show Association, prize.....	350 00
Unclaimed salaries of members of the force, for 1892	135 25
Interest on deposits, Bowery Bank.....	2,844 51
	<hr/>
	\$608,024 49
Cash on hand, January 2, 1893.....	19,924 26
	<hr/>
	\$627,948 75
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DISBURSEMENTS FOR THE YEAR ENDING DECEMBER 31, 1893.

4761

NAME.	Retired.	Residence.	Amount.
John C. Abbott.....	November 22, 1870	566 East 136th street.	\$350 00
William H. Archer.....	March 8, 1882	New Castle, N. Y.....	500 00
John Armstrong.....	September 1, 1882	4203 Third avenue.....	600 00
John C. Andre.....	May 21, 1883	Carlstadt, N. J.....	600 00
George Archer.....	February 10, 1885	Clifton, N. J.....	600 00
Francis Attinelli.....	April 7, 1885	671 East 145th street.....	600 00
William T. Ackerson.....	October 30, —	Hightstown, N. J.....	600 00
Christopher Allen.....	February 26, 1886	109 West Sixtieth street.....	600 00
Nathaniel B. Abbott.....	September 10, 1886	309 East Fifty-seventh street.....	600 00
Gabriel Aiguire.....	February 15, 1887	245 ¹ / ₂ Bainbridge street, Brooklyn	600 00
Richard Adams.....	June 24, 1887	17 West Sixty ninth street.....	500 00
Jacob Ahrens.....	March 2, 1888	82 Degraw street, Brooklyn.....	500 00
John Agnew.....	April 12, 1889	2158 Lexington avenue.....	600 00
Daniel S. Arnold.....	May 2, 1890	409 West 125th street.....	600 00
George J. Anderson.....	November 21, 1890	1455 Second avenue.....	600 00
William Adams.....	May 19, 1893	Tabor Opera House, Denver, Col.....	184 41
George H. Aiken.....	August 1, 1893	237 West Fortieth street.....	247 82
Stephen C. Baker.....	August 10, 1870	7 Oakland street, Lowell, Mass.....	247 82
William Barrett.....	April 17, 1873	Waverly, L. I.....	250 00
James Brown.....	March 31, 1874	Harrison, Westchester county.....	400 00
Jeremiah T. Brooks.....	November 12, 1875	1068 Park avenue.....	500 00
Franklin Boyd.....	October 25, 1878	Fort Washington, N. Y.....	600 00
Isaac D. Blake.....	October 8, 1880	Bedford, Westchester county.....	80 00
John Beeching.....	February 6, 1882	Died August 23, 1893.....	517 39
Thomas Byrnes.....	September 16, 1881	282 Madison street, New York.....	600 00
Thomas Black.....	January 25, 1884	Keyport, N. J.....	600 00

DISBURSEMENTS FOR THE YEAR ENDING DECEMBER 31, 1893 — (Continued).

NAME.	Retired.	Residence.	Amount.
William Beveridge.....	February 12, 1884	1261 Railroad avenue	\$600 00
Samuel Burden	May 27, —	Died September 6, 1893.....	410 45
Edward E. Burbank.....	November 11, —	Garretson Station, N. Y	600 00
William H. Brooks.....	December 24, 1884	159 West Fourth street.....	600 00
Heil Basford.....	February 3, 1885	95 Hart street, Brooklyn.....	600 00
Francis Brown.....	April 7, 1885	Westfield, N. J.....	600 00
Edward Bucken.....	April 7, 1885	71 South Fourth street, Brooklyn	600 00
John Buehler.....	May 1, 1885	388 East Eighth street.....	600 00
John Butcher.....	October 13, 1885	Pleasantville, Westchester county.	600 00
John Banker.....	December 1, 1885	43d st. and Ft. Hamilton ave., Brooklyn	600 00
Michael Barrett.....	December 8, 1885	134 East One Hundred and Ninth st ..	600 00
James M. Brown.....	January 26, 1886	477 Van Buren street, Brooklyn	600 00
John Brennan.....	February 12, 1886	135 East Forty second street	600 00
Charles E. Bush.....	February 26, 1886	Died March 19, 1893	128 32
Charles C. Buddington	March 4, 1886	221 East 126th street.....	800 00
James P. Bennett.....	April 20, 1886	Whitestone, L. I.....	600 00
Thomas Brennan.....	May 7, 1886	309 Charles street, West Hoboken	600 00
Thomas Bradley.....	June 22, 1886	37 Orchard street, Norwalk, Conn.....	600 00
Edmund Bird.....	February 23, 1887	1753 Lexington avenue	600 00
John Britton.....	March 22, 1887	115 West Twenty-eighth street.	600 00
William H. Bogart.....	March 29, 1887	2033 Washington avenue	600 00
Augustus Browning.....	April 12, 1887	174 Dominick street.....	600 00
Alexander Baird.....	June 24, 1887	Mystic, Conn.....	500 00
Louis Bernholtz.....	June 24, 1887	165 West Eighty-third street	600 00
John Brady.....	June 24, 1887	9 Stryker's lane.....	600 00
Alexander D. Bush.....	June 30, 1887	Nyack, N. Y	800 00

Nelson Blangey.....	October	6, 1887	85 Spring street	600 00
David R. Bolster.....	November	11, 1887	Tremont, N. Y.	600 00
George R. Bevans.....	January	20, 1888	Danbury, Conn	600 00
Lawrence Burke.....	January	31, 1888	Died September 17, 1893.	427 98
Etiemer Bayer.....	May	22, 1888	521 East Eighty-seventh street	300 00
William T. Brown.....	October	30, 1888	162 Norfolk street	500 00
James B. Black.....	October	30, 1888	703 East 165th street	600 00
William H. Breakell.....	December	4, 1888	Halsbrouck Heights, N. J.	600 00
Thomas Beatty.....	December	27, 1889	245 West Forty-sixth street	600 00
Michael Brophy.....	December	20, 1889	707 Seventh avenue	600 00
William S. Beams.....	January	31, 1890	Hicksville, L. I.	600 00
Patrick F. Byrnes.....	May	20, 1890	1825 Bathgate avenue	600 00
Edward Breunan.....	October	7, 1890	Wellsboro, Tioga county, Pa.	600 00
Patrick Breen.....	November	7, 1890	Chicago, Ill.	600 00
Michael Brennan.....	June	24, 1891	112 East 115th street.	600 00
Hugh P. Berney.....	May	29, 1892	251 West Thirty-first street	500 00
Henry M. Brown.....	January	2, 1892	Wellsboro, Tioga county, N. Y.	600 00
Julius A. Brookheim.....	April	19, 1892	613 East Sixth street	600 00
John J. Brogan.....	April	22, 1892	60 Perry street	1,375 00
Michael Bissert.....	April	26, 1892	28 St. Mark's place.	600 00
Frank Baker.....	April	29, 1892	164th street and Stebbins ave.	600 00
James Bell.....	August	5, 1892	71 Bedford street	600 00
Thomas Burkitt.....	February	7, 1893	626 Hudson street.	536 66
Emil Bach.....	February	28, 1893	1177 Third avenue	543 47
James Burke.....	April	18, 1893	232 Clinton street.	420 32
Ignatz Baumgarten.....	August	30, 1893	305 East Seventy-third street.	200 54
Michael Bowe.....	October	13, 1893	344 Thirteenth street, Brooklyn.	128 80
Philip Blass.....	November	10, 1893	945 Union avenue.	83 15
Thomas Cole.....	December	16, 1872	173 Greenwich street	200 00
Henry M. Carnochan.....	May	1, 1877	73 Court street, Binghamton, N. Y.	365 00
Robert Corrigan.....	February	5, 1884	62 East Eighty-eighth street.	600 00

DISBURSEMENTS FOR THE YEAR ENDING DECEMBER 31, 1893 — (Continued).

NAME.	Retired.	Residence.	Amount.
Joseph Cottrell	March 7, 1884	22 S. Wight street, Mount Vernon, N. Y.	\$600 00
James Carroll	March 7, 1884	338 East Seventy-eighth street	600 00
Michael Corey	January 2, 1885	289 Amsterdam avenue	610 00
Daniel Cunningham	March 31, 1885	321 West Fiftieth street	600 00
James Clinton	April 7, 1885	Gardiner, Ulster county, N. Y.	600 00
William H. Christie	September 29, 1885	South Nyack, N. Y.	800 00
William Clark	October 30, 1885	2012 Lexington avenue	600 00
George H. Cummings	December 15, 1885	20 Stevens street, Norwalk, Conn.	600 00
Thomas H. B. Carpenter	January 19, 1886	167 West One Hundred and Second st.	800 00
Edward Collard	February 12, 1886	125 East One Hundred and Eighteenth st	600 00
Walter Croker	February 16, 1886	659 Sixth avenue	600 00
Daniel Coffey	March 4, 1886	69 Sixth avenue	600 00
Patrick J. Corvin	June 8, 1886	38 Hansom place, Brooklyn	600 00
Samuel H. Coon	January 21, 1887	74 West 126th street	610 00
Stephen Carmick	May 10, 1887	Sing Sing, N. Y.	600 00
Michael Creenan	June 24, 1887	126th street, between 10th and Boulevard	500 00
Edward Colegrove	June 24, 1887	Died April 13, 1893	238 57
Charles W. Crittenden	June 24, 1887	195 Madison street	600 00
Ira M. Clapp	March 27, 1888	Flushing, L. I.	600 00
James Crosby	September 14, 1888	165 East Ninety-third street	600 00
Peter Curran	October 5, 1888	447 West Forty-fourth street	600 00
Benjamin Christopher	October 30, 1888	236 East Twenty-fifth street	600 00
William Cringle	November 10, 1888	626 Greenwich street	300 00
David Crawford	September 30, 1890	287 E. One Hundred and Sixteenth st...	600 00
Patrick J. Coffy	September 30, 1890	1387 Third avenue	650 00
George Cook	October 23, 1890	239 East Fifty-third street	600 00

William Clark, Jr.	November 21, 1890	Fordham, N. Y.	600 00
Denis Cronin	November 21, 1890	386 East Fifty-third street	600 00
Frederick J. Courtlander	February 3, 1891	Died January 13, 1893.	21 66
James Cromley	April 14, 1891	121 Market street, Perth Amboy, N. J.	650 00
William Cotter	November 17, 1891	6 Newton avenue, Astoria, L. I.	600 00
John Crook	January 29, 1892	Bath Beach, L. I.	600 00
James J. Campbell	January 29, 1892	368 East Sixty-ninth street.	600 00
Henry O. Corbitt	February 26, 1892	5 East Forty-first street.	1,000 00
John A. Croker	April 5, 1892	365 West Eleventh street	1,000 00
Otis B. Cobleigh	April 19, 1892	131 Elm street.	500 00
William K. Clinchy	April 22, 1892	White Plains, N. Y.	1,375 00
Thomas Clarkin.	June 14, 1892	509 West Fiftieth street	600 00
Henry B. Carroll.	August 5, 1892	42 Morton street.	600 00
Edward Carpenter	September 2, 1892	Grand View, Hudson, N. Y.	1,375 00
John V. B. Corey.	November 11, 1892	147 East Seventeenth street.	600 00
John Canavan	November 11, 1892	1354 Lexington avenue	600 00
Harrison Curry	September 11, 1889	132d street and St. Nicholas avenue.	600 00
James Crowe	January 17, 1890	349 West Forty eighth street.	600 00
James Conwell.	January 31, 1890	Milford, Pa.	500 00
Thomas W. Cotton	February 14, 1890	Horsheads, L. I.	600 00
James Curry	February 18, 1890	308 West Fourth street.	600 00
George Clinchy	February 22, 1890	310 East Twenty-third street	600 00
Charles E. Clark	April 6, 1890	309 West Fifty-fifth street.	600 00
William Cairns	May 31, 1893	236 Ninth avenue	548 32
Taylor Conklin	April 7, 1893	2629 Eighth avenue	438 35
Michael Cahill	April 18, 1893	Montgomery, Orange county	350 27
Jesse R. Clark.	April 18, 1893	95 Greenwich street	210 15
Ed. W. Conklin.	May 2, 1893	53 James street.	397 24
Daniel Curran	August 23, 1893	1 Carlisle street.	211 95
Edw. Callan	September 19, 1893	Died December 12, 1893	68 46
Charles V. Combes	November 10, 1893	845 East 165th street	138 58

DISBURSEMENTS FOR THE YEAR ENDING DECEMBER 31, 1893 — (Continued).

NAME.	Retired.	Residence.	Amount.
Robt. F. M. Campbell	November 10, 1893	234 West Twenty-first street	\$83 15
Dennis Cahill	December 5, 1893	241 East 118th street	70 65
George A. Castle	December 8, 1893	336 East Fifty-sixth street	37 49
Thomas Coen	December 19, 1893	2578 Eighth avenue	19 56
John B. Davis	November 23, 1870	Cotton Wood Falls, Kans.	350 00
Stephen H. Dowling	May 9, 1871	South Chicago, Ill.	400 00
William Delamater	February 24, 1872	Sing Sing	800 00
William W. Dilkes	June 7, 1872	34 West Ninth street	800 00
Daniel Davenport	August 16, 1872	234 Grand street	600 00
Edgar Davis	April 3, 1874	22 Charles street	800 00
Samuel W. Daniels	October 14, 1878	227 Rutledge street, Brooklyn	600 00
David Durie	April 10, 1883	1921 Anthony avenue	600 00
Leon Doncourt	March 25, 1884	188th street and Tenth avenue	600 00
Thos. Dusenbury	November 11, 1884	146 West Sixty-fourth street	800 00
Thaddcus C. Davis	January 29, 1885	133 Lincoln street, Astoria, L. I.	1,000 00
Thomas Dennin	February 20, 1885	67 Second avenue	600 00
Henry S. Dwyer	April 7, 1885	Patchogue, L. I.	600 00
William Darke	February 12, 1886	Guttenberg	600 00
Joseph M. Dorey	March 4, 1886	2247 Seventh avenue	800 00
David W. Dyckman	April 27, 1886	Oscawanna, N. Y.	600 00
Patrick Dempsey	December 14, 1886	412 Tenth avenue	600 00
Patrick Dunn	April 12, 1887	438 West Twenty-fifth street	600 00
George W. Dilks	June 24, 1887	34 West Ninth street	1,750 00
Miles DeShays	June 24, 1887	Long Branch City	800 00
Abraham Drucker	June 24, 1887	336 East Eighty-second street	600 00
Joseph F. Dalbee	March 20, 1888	Williamsbridge	600 00

Jacob M. Dunsimore	April	6, 1888	356 West Twenty-seventh street	600 00
Mortimer Downing	May	22, 1888	106 East One Hundred and Sixth street.	100 00
Charles H. Davis	August	23, 1888	Died November 27, 1893	544 56
Charles Delanny	November	27, 1888	225 West Houston street	600 00
Nathaniel Darke	July	10, 1889	Winfield, L. I.	600 00
Patrick H. Doran	December	10, 1889	336 East Fifty-second street	1,000 00
John L. Davis	April	1, 1890	126 West Sixty-first street	600 00
August Dahlgren	June	3, 1890	179 Forsythe street	1,000 00
William Dixon	November	7, 1890	504 East 137th street	600 00
John Donohue	December	23, 1890	313 East 119th street	600 00
James Delaney	January	13, 1891	Kitchawan, N. Y.	600 00
William Dalton	February	3, 1891	613 East Ninth street	600 00
Thomas Dempsey	March	17, 1891	135 Butler street, Paterson, N. J.	600 00
Philip Daab	April	3, 1891	3373 Third avenue	600 00
Washington T. Devoe	May	2, 1891	220 West 103d street	1,000 00
James Draffin	December	28, 1891	331 West 35th street	600 00
Patrick Daly	April	5, 1892	149th street and Edgecomb avenue	600 00
Charles Dunlavy	September	9, 1892	201 Chambers street	600 00
Michael Dowling	September	9, 1892	308 West 128th street	600 00
Jeremiah Donohue	December	20, 1892	440 East 58th street	600 00
Joseph L. Davis	October	14, 1892	524 East 103d street	600 00
Dietrich W. Dokel	March	28, 1893	118 Clinton place	454 99
John W. Elder	April	12, 1893	2111 Dean street, Brooklyn.	600 00
Joseph M. Ely	December	31, 1893	340 East 17th street	800 00
John W. Eckerley	February	5, 1894	Wakefield P. O., N. Y.	600 00
James Edwards	January	2, 1895	201 Driggs avenue, Greenpoint, L. I. ...	600 00
Richard S. Eldridge	January	23, 1895	Died December 28, 1893	593 47
Henry Eulner	April	7, 1895	242 South Fifth street, Brooklyn	600 00
George H. Empie	May	8, 1898	1292 Lexington avenue	300 00
Robert L. Edwards	June	24, 1887	311 West 103d street	500 00
William Eastwood	May	8, 1888	Bay Shore, L. I.	600 00

DISBURSEMENTS FOR THE YEAR ENDING DECEMBER 31, 1893 - (Continued).

NAME.	Retired.	Residence.	Amount.
Isaac Evans	May 20, 1890	77 Christopher street	\$700 00
David W. Erskine.....	February 29, 1892	689 East 135th street	600 00
Robert Erwin	April 19, 1892	273 Front street, Brooklyn	600 00
Adna Ellis	December 30, 1892	Highlands, Ulster county	600 00
Samuel Ellis	April 4, 1893	214 East Seventy-seventh street.....	443 48
Thomas Egan	December 26, 1893	165th street and Webster avenue.....	8 15
George A. Flandrow	July 19, 1893	West Farms, N. Y.	600 00
Michael Flanagan.....	July 31, 1892	Unionport, Westchester county	600 00
Frank C. Fisher	September 12, 1893	Nanuet, Rockland county, N. Y	600 00
Timothy Falvey	May 27, 1894	234 East Thirty-third street	550 00
David L. Files	December 30, 1884	2368 First avenue	600 00
Thomas Foy	January 20, 1884	1054 Franklin avenue.....	600 00
Patrick Flanagan	July 31, 1885	429 East Seventeenth street	600 00
James Flynn	July 31, 1885	282 Pleasant avenue.....	320 00
John Ferguson	November 6, 1885	Died August 18, 1883	371 73
Michael Flemming	December 29, 1885	162 East 14th street.....	600 00
Thomas Flannery	March 4, 1886	213 Sumpter street, Brooklyn	600 00
John Flanagan	December 10, 1886	196 West Fourth street.....	600 00
Dermott Farley	December 31, 1886	124 Lawrence street.....	600 00
John Foley	March 29, 1887	118 East Eighty-ninth street.....	600 00
John J. Fitzgerald	May 10, 1887	32 West Houston street.....	800 00
Philip Farley	June 24, 1887	220 East Ninety-eighth street	500 00
Cornelius Foley	April 6, 1888	342 West Forty-seventh street	600 00
Thomas Ferris	April 24, 1888	116 East Eighty-ninth street	600 00
Franc Fawcett.....	August 28, 1889	333 East Thirty-seventh street.....	600 00
William Foley.....	November 19, 1889	103 East One Hundred and Sixth street.	500 00

Charles Fogarty	May	20, 1890	909 Eighth avenue	600 00
John J. Fitzpatrick	June	17, 1890	West New York, N. J.	300 00
James Foster	July	22, 1890	309 East Seventy-seventh street	600 00
Michael Fanny	September	30, 1890	Union Course, L. I.	1,000 00
H Charles Floyd	February	13, 1891	3030 Third avenue	600 00
John D. Fredericks	February	24, 1891	Canarsie, L. I.	600 00
Daniel Flynn	April	3, 1891	313 East Twentieth street	500 00
Maurice Finn	June	24, 1891	Bath Beach	600 00
John Fitzgerald	June	30, 1891	522 W. One Hundred and Thirty-third st.	1,000 00
Ovid Firth	November	20, 1891	81 West 128th street	1,000 00
Jacob Files	July	24, 1891	334 West Forty-eighth street	600 00
John Flanagan	April	1, 1892	283 First avenue	600 00
Thomas Foley	May	6, 1892	267 West Thirty-ninth street	600 00
Dennis Ford	May	27, 1892	1192 Park avenue	600 00
William Flynn	July	29, 1892	336 East Seventeenth street	600 00
James Foley	January	31, 1893	146 Hunter's avenue, Long Island City ..	548 32
William B. Finnegan	April	4, 1893	413 Pleasant avenue	443 40
Philip Fitzpatrick	April	4, 1893	75 West Ninety-seventh street	443 40
James Greer	August	10, 1870	244 E. One Hundred and Seventeenth st.	1,000 00
William M. Gross	March	23, 1872	8 Milford street, Brooklyn	300 00
Michael Gilfeather	April	10, 1883	203 Fifty-ninth street, South Brooklyn ..	600 00
John Gillen	April	10, 1883	26 East One Hundred and Fourteenth st.	450 00
John Gilmartin	April	30, 1883	974 Park avenue	600 00
George Gray	January	5, 1884	421 West One Hundred and Fiftieth st.	600 00
Henry Green	May	27, 1884	18 Knoxville st., Poughkeepsie, N. Y. ..	600 00
John T. Gay	November	14, 1884	Passaic, N. J.	800 00
Frederick Gilbert	April	24, 1885	392 Tenth street, Brooklyn	600 00
Robert Gunson	September	8, 1885	1090 Second avenue	600 00
Thomas Garland	February	26, 1886	157 W. West Houston street	600 00
George Grassick	March	9, 1886	Maywood, N. J.	600 00
Hartshorn W. V. Gilliland	April	27, 1886	Died February 14, 1893	73 71

DISBURSEMENTS FOR THE YEAR ENDING DECEMBER 31, 1893 — (Continued).

NAME.	Retired.	Residence.	Amount.
Thomas F. Green	June 1, 1886	New Rochelle, N. Y.	\$600 00
Morris Glynn.....	July 23, 1886	97 Charlton street.....	600 00
Charles W. Griffith.....	October 8, 1886	Brown's Station, N. Y.	600 00
Edward Grace	February 4, 1887	544 West Fifty-third street	600 00
John Gilpin	May 10, 1887	815 Green avenue, Brooklyn.....	600 00
William Granger.....	October 11, 1887	157 East Fifty-first street	600 00
Philip M. Griffith	August 23, 1888	21 East Eighty-ninth street	800 00
Eugene Griffith	August 23, 1888	Islip, L. I.	600 00
Nicholas Geiger.....	July 17, 1889	College Point, L. I.	600 00
Charles M. Granger	August 28, 1889	30 East Thirty-third street	1,000 00
George W. Gastlin	July 1, 1890	52 Barrow street.....	1,375 00
James Garrity	August 5, 1890	2465 Third avenue	600 00
Michael Gilmore	August 26, 1890	201 North Seventh street, Brooklyn	600 00
Arthur Grier	August 26, 1890	341 West Sixty-seventh street	600 00
Ira S. Garland	December 2, 1890	41 Barrow street.....	1,375 00
Enoch A. Guddell.....	April 21, 1891	151st street and St. Nicholas avenue.....	600 00
John Greenan	June 24, 1891	Plainfield, N. J.	600 00
William Guerker	June 30, 1891	San Diego, Cal	650 00
John Gunner	December 28, 1891	1051 Lexington avenue.....	1,375 00
James F. Goldrick	January 15, 1892	Tarrytown, N. Y.	600 00
George D. Gick	April 26, 1892	203 East Ninety-first street.....	1,000 00
Julius A. Golle	September 30, 1892	502 East Eighty-ninth street	600 00
Walter Grier	October 14, 1892	155 West Sixty-third street	600 00
James Gaynor	January 31, 1893	Died October 14, 1893.....	701 92
Michael Gannan.....	January 31, 1893	103 King street.....	543 32
Theodore Goodenough.....	March 28, 1893	Mapes avenue, Tremont.....	454 99

Henry C. Gibson.....	July	6, 1893	127 East 128th street	290 21
Jerome T. Grant.....	July	19, 1893	West Farms.....	296 01
Harry Greene.....	November 10, 1893		415 West 146th street.....	83 15
Joseph Glynn.....	November 10, 1893		82 Second street, Brooklyn.....	83 15
Thomas Gibbons.....	December 5, 1893		237 Sixth street.....	42 39
Joseph Halstead.....	August 1, 1867		Bridgeport, Conn.....	200 00
John Gambin.....	September 29, 1868		11 Varick street.....	300 00
Sandy Higgins.....	July 16, 1870		239 East Thirtieth street.....	600 00
Henry Horr.....	September 3, 1873		Woodlawn, N. Y.....	480 00
Justus Hawks.....	April 16, 1876		56 Stanhope street, Brooklyn.....	500 00
Louis E. Hill.....	September 16, 1881		Botsford, Conn.....	600 00
Jeremiah Hayes.....	March 8, 1882		161 North Fourth street, Troy, N. Y.....	500 00
Stephen Hubbard.....	April 10, 1883		242 West Fifteenth street.....	600 00
Plum Hoyt.....	April 10, 1883		1815 West Farms road.....	600 00
Edward Hussey.....	May 1, 1883		417 West Thirty-third street.....	600 00
Whitman P. Hallock.....	September 12, 1883		Thills, Rockland county.....	600 00
Morris Hanuer.....	December 18, 1883		Gurley, Ala.....	450 00
Daniel H. Hitchcock.....	March 4, 1884		40 Ravine avenue, Yonkers.....	400 00
Aaron H. Hoyt.....	April 8, 1884		351 East Eighty-fifth street.....	300 00
Richard Holmes.....	May 27, 1884		148 North Sixth street, Brooklyn.....	600 00
John Hanifer.....	May 27, 1884		373 Bleeker street.....	600 00
John Healy.....	August 13, 1884		Madison, Mich.....	480 00
John B. Hayes.....	December 24, 1884		103 West Seventy seventh street.....	500 00
John Haliday.....	January 15, 1885		325 West Forty-eighth street.....	600 00
Harvey S. Holly.....	April 3, 1885		Glenbrook, Conn.....	600 00
Felix Hayes.....	January 29, 1886		Died September 8, 1893.....	414 12
Theodore Philipus Homes.....	July 21, 1886		21 East 133d street.....	600 00
John M. Howell.....	December 21, 1886		Bay Shore, L. I.....	600 00
William J. Holmes.....	January 21, 1887		Kingsbridge, N. Y.....	600 00
Henry Hedden.....	June 24, 1887		261 West Sixteenth street.....	1,000 00
Thomas Koch.....	June 24, 1887		2304 Bathgate avenue.....	800 00

DISBURSEMENTS FOR THE YEAR ENDING DECEMBER 31, 1893 — (Continued).

NAME.	Retired.	Residence.	Amount.
Edward Hass.....	June 24, 1887	307 West 140th street	\$600 00
Harvey M. Hitchcock.....	June 24, 1887	848 East 170th street.....	600 00
William Herr.....	June 24, 1887	111 West Fourteenth street	600 00
William Hathaway.....	August 9, 1887	Rockaway Beach	500 00
Henry Heinz	September 16, 1887	557 East 153d street.....	600 00
Barth. Hordan	October 8, 1887	87 East Fourth street.....	600 00
William Harris	February 28, 1888	1057 Lexington avenue	600 00
Lotin B. Hildreth	March 1, 1889	726 Amsterdam avenue	600 00
Alexander Hughes	April 2, 1889	Fort Lee, N. J.	600 00
Richard Holloway.....	May 28, 1889	76 Charlton street.	600 00
Nelson Haridan	July 10, 1889	Williamsbridge	1,000 00
Charles E. Holman	September 24, 1889	Flanders, N. Y.	600 00
William Hahn	November 1, 1889	New Castle, N. Y.	600 00
James C. Howe.....	January 17, 1890	317 Jefferson avenue, Brooklyn	600 00
Richard Hawkey.....	February 11, 1890	352 East Eighty-seventh street.....	600 00
Percival Hall	June 18, 1890	399 East Eighth street.	600 00
William H. Hasson.....	October 23, 1890	213 Fulton street.....	600 00
William Holmes	November 7, 1890	Mt. Vernon, N. Y.	600 00
Jacob M. Hendricks	November 7, 1890	Clintondale, N. Y.	600 00
Henry Q. Howe.....	April 3, 1891	315 West Twenty-eighth street	600 00
James Humphrey	April 21, 1891	Bergen Point, N. J.	600 00
Frank J. Healey.....	June 30, 1891	Normal College.....	650 00
Charles A. F. Heym.....	September 18, 1891	2528 Eighth avenue	600 00
George A. Hess.....	November 20, 1891	225 East One Hundred and Eighth street	600 00
Edward Hayes.....	February 5, 1892	243 West Twenty-sixth street	600 00
George E. Helme	April 22, 1892	Mt. Kisco, N. Y.	600 00

Martin Handym	April	22, 1892	Kirk Place, Fordham	1,000 00
Edward Handy	May	3, 1892	184th street, Fordham	600 00
Henry Herscher	November	11, 1892	10 Willow street	600 00
Thomas Hagrove	November	11, 1892	1192 Park avenue	600 00
Joseph Haliday	December	16, 1892	Patchogue, L. I.	600 00
William H. Hughes	December	20, 1894	80 West Ninety-first street	600 00
Geo. Hammond	December	23, 1892	315 East Fifty-fifth street	600 00
Thomas Harty	December	23, 1892	187 Amity street, Brooklyn	600 00
Thomas Hill	February	14, 1893	143 West Twenty-seventh street	534 99
Owen Hanley	April	19, 1893	Ellenville, Ulster county	420 32
Robert Haines	April	21, 1893	Croton-on-the-Hudson	415 38
James Hollahan	May	2, 1893	Ireland, Kilkenny	198 62
Thomas L. Heape	May	2, 1893	68 East 123d street	62 08
Francis Hughes	June	28, 1893	2215 Ryer avenue	303 29
John Herrin	November	14, 1893	426 East 122d street	76 02
Robert Hickenbothen	December	8, 1893	403 Washington avenue	37 49
Charles D. Inman	September	1, 1885	Scarsdale, N. Y.	600 00
John Irving	January	1, 1886	25 Seidler street, Jersey City, N. J.	600 00
George Irving	August	3, 1888	Ellenville, Ulster county, N. Y.	600 00
Willis B. Ives	September	27, 1889	596 East 142d street	600 00
Adelbert Isalle	April	1, 1892	Rockwell Mills, N. Y.	600 00
James C. Jepson	March	9, 1880	Linden, N. J.	600 00
Henry F. Jones	April	10, 1883	7 Lafayette place, Sing Sing, N. Y.	600 00
Robert Jepson	April	16, 1893	Dakota avenue, Brooklyn, N. Y.	600 00
Simon Jackson	June	24, 1887	52 Sullivan street	600 00
James Jones	May	2, 1890	37 Watts street	600 00
David H. Jackson	September	26, 1891	Southold, L. I.	600 00
Charles G. Jefferson	February	9, 1892	200 East Fourteenth street	600 00
John Jefferson	November	11, 1892	322 West 145th street	600 00
Michael Johnson	September	20, 1893	48 Macdougall street	151 63
John Keirns	September	12, 1883	Amityville, L. I.	600 00

DISBURSEMENTS FOR THE YEAR ENDING DECEMBER 31, 1893 — (Continued).

NAME.	Retired.	Residence.	Amount.
Silas Ketcham	July 20, 1883	Died April 16, 1893	\$177 09
Edward Knight	January 3, 1884	Died July 28, 1893	459 81
John M. Kilpatrick	January 11, 1884	209 East Ninety-eighth street	300 00
Henry C. King	January 15, 1884	30 Dominick street	600 00
John Kelly, No. 1	September 9, 1884	148 East Ninety-second street	600 00
Thomas Kennelly	January 2, 1885	15 West Sixty-fifth street	600 00
Robert Kelly	March 1, 1887	19 Abingdon square	600 00
John Kelly, No. 2	March 8, 1887	315 Seventh street, South Brooklyn	600 00
John F. Kenny	March 8, 1887	166 East Eighty-eighth street	600 00
Richard King	June 24, 1887	237 East 126th street	8 00
Albert Kellerhaus	March 27, 1888	308 West 128th street	600 00
Thomas H. Kearns	April 22, 1889	Blissville, N. J.	600 00
George V. Kass	September 11, 1889	356 West 110th street	1,000 00
Edward Kennedy	April 1, 1890	502 West 146th street	600 00
Michael Kellard	April 1, 1890	Died December 26, 1893	591 84
Michael Kelly	September 16, 1890	271 West Eighty-fourth street ..	600 00
Patrick Kennedy	April 3, 1891	Stratford, Conn.	600 00
Miles Keon	June 24, 1891	Broadway, Astoria, L. I.	600 00
John H. Kellar	January 12, 1892	229 West Twentieth street	600 00
John H. Keating	June 14, 1892	188 Kent street, Greenpoint	600 00
Peter Kelly	December 16, 1892	508 Canal street	600 00
Henry A. Kennedy	August 23, 1893	Fordham, N. Y.	211 95
Thomas J. Cavaugh	November 10, 1893	19 King street	83 15
Thomas Kiernan	November 10, 1893	1577 Madison avenue	83 15
John Kiernan	December 5, 1893	435 East Thirteenth street	42 34
Edward Loughlin	November 18, 1870	314 East Sixty-sixth street	350 00

Joel Lane.....	April	10, 1883	229 East 133d street.....	600 00
Robert M. Leach.....	April	10, 1883	188 South Fourth street, Brooklyn.....	600 00
James Loomis.....	November	8, 1883	508 West 145th street.....	600 00
Martin Linkenau.....	December	7, 1883	524 Sixth avenue, Brooklyn.....	600 00
Lester Lewis.....	August	13, 1884	Flushing, L. I.....	600 00
Ebenezer Libgate.....	August	13, 1884	Bayonne, N. J.....	600 00
Henry K. Lankton.....	June	23, 1885	35 Hancock street, Brooklyn.....	600 00
James M. Leary.....	October	9, 1885	28 West 116th street.....	1,000 00
Bernard Lamb.....	October	30, 1885	King's Bridge.....	600 00
William H. Jefferts.....	December	1, 1885	50 Van Riker avenue, Jersey City, N. J.	700 00
James Lynch.....	December	29, 1885	440 West Forty-seventh street.....	600 00
George Loughlin.....	March	4, 1886	287 West Fourth street.....	600 00
Frederick R. Lewis.....	May	10, 1887	163d street and St. Nicholas avenue....	600 00
Charles C. Leaycraft.....	June	24, 1887	310 East 121st street.....	600 00
George Lynam.....	October	23, 1888	Marlborough, Conn.....	600 00
William Long.....	December	11, 1888	243 Front street, Brooklyn.....	600 00
George Little.....	December	31, 1888	47 Seventh street.....	800 00
Michael Leavy.....	September	24, 1889	Westmeath, Ireland.....	600 00
Imer D. Luersson.....	April	1, 1890	410 Dakota street, Brooklyn.....	1,000 00
Frank Lober.....	September	18, 1891	Jeffersonville, Sullivan county.....	650 00
Augustus Luersson.....	May	20, 1892	23 West 125th street.....	600 00
Alexander Levy.....	September	2, 1892	172 East 107th street.....	600 00
Nathan Lemein.....	December	2, 1892	610 East Fifth street.....	600 00
Michael Lee.....	December	2, 1892	163 Bergen street, Brooklyn.....	600 00
Abraham Livingston.....	December	16, 1892	164 Stanton street.....	600 00
Wolf Levy.....	February	14, 1893	447 East Fifty-seventh street.....	524 99
Edward Lewis.....	May	2, 1893	Sea Cliff, L. I.....	397 24
John Murray.....	November	22, 1870	405 East Fiftieth street.....	350 00
Thomas D. Murray.....	December	22, 1870	576 East 148th street.....	400 00
Thomas Murray.....	May	1, 1871	163 Elizabeth street.....	320 00
Philip Miller.....	August	28, 1871	Hollis, L. I.....	400 00

DISBURSEMENTS FOR THE YEAR ENDING DECEMBER 31, 1893.—(Continued).

NAME.	Retired.	Residence.	Amount.
Samuel Morrison	March 25, 1872	473 Ninth street, Brooklyn	\$300 00
Patrick Murray	June 6, 1872	102 North Seventh street, Brooklyn	200 00
David R. Morgan	May 5, 1874	29 Lewis street	100 00
Russel Meyers	October 8, 1880	550 West 126th street	600 00
Adam M. Ouligan	July 25, 1882	3311 Third avenue	600 00
John J. Morrell	July 31, 1882	435 East Eighty-fourth street	600 00
R. N. Mabie	August 9, 1882	1991 Amsterdam avenue	600 00
Eninar Meyer	September 1, 1882	1366 Third avenue	600 00
Thomas Mulvey	April 12, 1883	239 East Twenty-second street	400 00
James Maher	May 4, 1883	881 Tenth avenue	600 00
Patrick Mullally	October 17, 1883	346 East Sixtieth street	600 00
Andrew B. Mooney	November 8, 1883	458 West Forty-ninth street	600 00
Patrick F. Moore	December 18, 1883	Died January 23, 1893	24 36
Christian Miller	May 27, 1894	Rochester, Monroe county, N. Y.	600 00
Hamilton Nickle	August 13, 1884	Fort Plain, N. Y.	300 00
John M. Marshay	September 9, 1884	Mt. Sinai	600 00
Isaac Mead	December 30, 1884	238 East Eighty-seventh street	600 00
Adam Meyer	December 30, 1884	287 West 122d street	600 00
Geo. Marsh	February 3, 1885	Bedford, N. Y.	600 00
William W. Moss	April 7, 1885	34 LaFayette place	600 00
Richard H. Martin	April 28, 1885	233 West 113th street	600 00
Chas. Minor	May 29, 1885	Bedford Park	600 00
Andrew Markey	July 10, 1885	103 Monroe street, Brooklyn	600 00
Geo. H. F. Muller	August 7, 1885	1 Battery place	600 00
David Martin	January 19, 1886	County Air, Scotland	600 00
Francis Malone	March 9, 1886	Saugerties, N. Y.	600 00

John Muldoon.....	October	22, 1886	90 Trinity avenue.....	600 00
John Malloy.....	April	1, 1887	1969 Amsterdam avenue.....	600 00
Joseph A. Malone.....	April	1, 1887	County Kilkenny, Ireland.....	500 00
Max Meiers.....	April	5, 1887	283 Skillman street, Brooklyn.....	500 00
Thomas Moran.....	April	29, 1887	Died May 24, 1893.....	239 00
Andrew Murray.....	June	24, 1887	175th street and Fleetwood avenue... ..	600 00
John Murray.....	June	24, 1887	345 West Seventeenth street.....	600 00
James Morey.....	June	24, 1887	1748 Washington avenue.....	600 00
William Magee.....	June	24, 1887	962 East 163d street.....	600 00
Michael Matthews.....	June	24, 1887	203 East Sixty-first street.....	600 00
John J. Mount.....	June	24, 1887	108 East Fifty-second street.....	600 00
John D. Minnie.....	September 30, 1887		184½ Madison avenue.....	1,000 00
John Murphy, No. 2.....	November 29, 1887		48 Pearl street.....	600 00
Martin Maloney.....	January	20, 1888	222 Sixth street.....	600 00
John G. Mints.....	February	28, 1888	70 West Ninety-third street.....	600 00
William Morganwick.....	May	8, 1888	Died January 18, 1893.....	18 88
Michael R. Murphy.....	May	25, 1888	153 East Sixtieth street.....	600 00
William H. Meade.....	October	12, 1888	Kingsbridge.....	600 00
Theo. Miller.....	May	7, 1889	Newburgh, N. Y.....	300 00
Patrick Murphy.....	June	21, 1889	Williamsbridge.....	600 00
Joseph W. Meade.....	October	25, 1889	121 East Fifty-second street.....	600 00
Charles W. Munier.....	February	4, 1890	102 West Ninety-fifth street.....	600 00
Zabriskie H. Mullin.....	February	28, 1890	Middlehope, N. Y.....	600 00
Patrick T. Muldoon.....	April	15, 1890	214 East Fifty-seventh street.....	650 00
Edward Murphy.....	November 21, 1890		370 West Forty-sixth street.....	600 00
Simon Martin.....	April	10, 1891	Neperan P. O., Westchester county.....	600 00
Hugh Martin.....	January	29, 1892	644 East 156th street.....	600 00
William Murray.....	April	12, 1892	1045 Madison avenue.....	3,000 00
Ernest H. Meyer.....	September 20, 1892		427 Park avenue.....	600 00
James Mongan.....	December	2, 1892	23 Water street.....	600 00
Bernard Meyers.....	January	6, 1893	188 Mulberry street.....	589 90

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DISBURSEMENTS FOR THE YEAR ENDING DECEMBER 31, 1893 — (Continued).

NAME.	Retired.	Residence.	Amount.
John G. Moore	January 20, 1893	425 West 147th street	\$566 66
Michael Masterson	January 20, 1893	276 Stanton street	566 66
Chris. E. Martin	February 21, 1893	2299 Eighth avenue	513 33
Thomas Mulhern	February 21, 1893	21 East 103d street	513 33
Daniel Mathison	May 20, 1893	Farmingdale, N. Y.	397 24
James Mulvey	June 2, 1893	342 East Fifty-second street	346 15
Augustus W. Maclay	June 22, 1893	44 Pine street	531 97
Thomas Mulvey	October 17, 1893	Bath Beach	203 80
John Mohr	November 10, 1893	715 East 165th street	83 15
Thomas Murray	November 28, 1893	450 West Thirty-fourth street	44 93
John Mangan	December 5, 1893	236 Ninth avenue	42 39
Edward Murritt	December 12, 1893	303 East 117th street	51 63
Hugh McDermott	January 7, 1895	Cole's lane, Fordham	200 00
John McDonald	November 3, 1870	Williamsbridge	350 00
James McArthur	March 23, 1880	Died December 4, 1893	554 64
George C. McClary	April 11, 1882	401 West Fifty-third street	450 00
Hugh McKinnen	April 10, 1883	Died June 10, 1893	266 68
William H. McConnell	April 10, 1883	Died September 3, 1893	539 39
Michael McDonald	April 30, 1883	St. Mary's Hospital, Brooklyn	350 00
John McAvoy	July 2, 1883	408 West Forty-eighth street	600 00
Thomas McCafferty	April 8, 1884	Died April 8, 1893	163 18
Matthew McGuire	April 27, 1884	259 Henry street	600 00
James McDuffie	August 13, 1884	273 Seventh street	600 00
John McConnell	November 11, 1884	223 West Eighteenth street	600 00
Silas H. McArthur	January 20, 1885	22 William street	600 00
Peter McCort	April 21, 1885	310 South Third street, Brooklyn	600 00

Thomas McCormick	January	15, 1886	Bensonhurst-by-the-Sea, L. I.	600 00
Patrick McArdle	January	12, 1886	538 West One Hundred and Twelfth st.	600 00
Dennis McCarthy	May	21, 1886	329 West street, West Hoboken, N. J.	600 00
Bernard McKeon	March	18, 1887	175th street and Kingsbridge road	600 00
Andrew McClintock	June	24, 1887	1988 Lexington avenue	800 00
Thomas McPharlan	June	24, 1887	859 East 134th street	600 00
Patrick McVay	June	24, 1887	200 East One Hundred and Seventh st.	600 00
Michael McGrade	June	24, 1887	448 East Fifty-eighth street	600 00
Owen McConklin	June	24, 1887	40 Leroy street	500 00
Matthew McConnell	July	7, 1887	548 Ash street	600 00
John J. McDermott	September	30, 1887	Pittston, Pa.	600 00
Joseph McKeon	March	20, 1888	Fordham	600 00
Hugh McConnell	January	8, 1889	1145 Second avenue	600 00
James McGill	March	12, 1889	611 East Thirty-third street	600 00
Dominick D. McCan	November	4, 1887	247 Mulberry street	300 00
Michael McManee	December	31, 1889	809 Columbus avenue	600 00
Henry McCadden	January	10, 1890	4 1 East Fifty-fifth street	600 00
Samuel McCermon	April	2, 1890	49 East 28th street	500 00
John McElwaine	January	27, 1891	243 Lafayette avenue, Brooklyn	1,375 00
James McGrath	January	29, 1892	776 East 104th street	600 00
Neil McCauley	April	5, 1892	187 East Broadway	600 00
John McCahill	April	18, 1892	723 Fifth avenue, Brooklyn	600 00
Manus McBride	November	11, 1892	Died August 10, 1893	366 84
Patrick McGinley	November	11, 1892	58 Broome street	600 00
Peter McDonnell	November	22, 1892	187th street and Arthur avenue	600 00
James McCool	December	2, 1892	247 West Fifty-sixth street	600 00
John McDowell	January	31, 1893	220 Fourteenth street, Brooklyn	594 02
James A. McAuley	January	31, 1893	207 Willis avenue	548 32
James McMahon	February	28, 1893	215 Clinton street	501 66
Thomas McBridges	April	11, 1893	218 West Sixty-seventh street	431 86
Frank McCarthy	April	18, 1893	502 West Fifty-fifth street	210 15

DISBURSEMENTS FOR THE YEAR ENDING DECEMBER 31, 1893 — (Continued).

NAME.	Retired.	Residence.	Amount.
Bernard McCauley	April 18, 1893	Died May 13, 1893.....	\$20 60
Samuel V. W. McLoyd	June 22, 1893	247 West Twenty-third street	521 97
Daniel J. McInnery	June 22, 1893	351 East Fifty-third street	313 18
David W. Noyes	November 8, 1870	Bayonne, N. J.....	600 00
George Nivven	April 2, 1880	275 Madison street	600 00
Patrick Nealis	February 12, 1885	886 Gates avenue, Brooklyn.....	600 00
Emmett Near	June 7, 1889	221 West 135th street	600 00
Henry B. Nafew	June 10, 1890	162d street, Melrose avenue	600 00
William B. Nixon	December 30, 1890	Englewood, N. J.....	600 00
Robert Neil	January 13, 1891	Died July 23, 1893.....	337 49
James Nealis	January 12, 1892	249 East Forty-third street	600 00
Henry Neihoff	September 2, 1892	219 West Thirty-third street.....	600 00
Benjamin G. Northrup	February 17, 1893	289 East Tenth street.....	519 99
William W. Osborn	March 13, 1885	1945 Washington avenue.....	600 00
Amos L. Ogden	April 27, 1886	28 Sixth avenue, Newark, N. J	600 00
Sylvester Osborne	June 24, 1887	Died May 6, 1893.....	279 12
John Oakley	January 29, 1892	75 West 101st street.....	600 00
Henry M. Orpen	April 1, 1892	38 Bainbridge street.....	600 00
Robert Orr	March 28, 1893	Mt. Vernon, N. Y.....	492 91
Michael C. O'Byrne	October 16, 1872	207 East Thirty-seventh street.....	200 00
Charles O'Reilly	April 30, 1883	Ward's island	300 00
Bernard O'Donnell	December 28, 1883	387 First avenue.....	600 00
Bernard O'Rourke	April 1, 1884	11 Woodbine street, Brooklyn.....	600 00
Peter O'Donnell	October 16, 1885	1662 Second avenue	600 00
John O'Connell	February 5, 1886	116 Third avenue	600 00
Hugh O'Reilly	April 27, 1886	Died October 30, 1893.....	498 91

John O'Neill	April	27, 1886	110 East 120th street.....	600 00
Nicholas O'Connell.....	February	10, 1888	871 Driggs avenue, Brooklyn.....	600 00
Robert O'Neil	November	27, 1888	169th street and Kingsbridge.....	440 00
Patrick O'Sullivan	October	13, 1891	36 Prospect street, Brooklyn	600 00
Joseph O'Connor.....	May	3, 1892	1522 Third avenue	600 00
David O'Connell.....	May	20, 1892	185th street and Audubon avenue.....	600 00
Francis O'Neill	November	11, 1892	2006 Third avenue	600 00
Thomas O'Brien	June	22, 1893	158 West Thirty-fifth street.....	313 18
Daniel O'Keefe	November	10, 1893	2113 Washington avenue.....	83 15
George Perkins	January	20, 1898	1070 Second avenue	300 00
Samuel Parsons	January	6, 1870	216 East Twenty-first street	300 00
Joseph H. Petty	August	31, 1872	Amityville, L. I.	700 00
Barnett L. Phillips	March	9, 1850	131 West 129th street	800 00
Orlando H. Phennex.....	April	11, 1882	Whitestone, L. I.	600 00
Stephen Parrett	February	26, 1886	27 West 132d street.....	600 00
Henry W. Phillips	March	4, 1886	Ogden, Mich.....	600 00
Charles E. Pierce	May	13, 1887	524 West Twenty-second street.....	600 00
William Porcher	June	24, 1887	40 Barrow street.....	800 00
Wm. H. Palmer	June	24, 1887	New Springwell, S. I.	600 00
David Pope	June	24, 1887	Died June 13, 1893.....	21 33
Francis J. Plant	September	4, 1889	1688 Second avenue	600 00
Daniel Pratt.....	September	11, 1889	207 East 112th street	600 00
Francis Plott.....	January	31, 1890	71 East Broadway	600 00
John F. Parker	May	27, 1890	Mt. Vernon, N. Y.	600 00
Bernard Pettit.....	August	5, 1890	2324 First avenue	600 00
Daniel Polhamus	September	2, 1890	568 West 159th street	1,000 00
Patrick Powers	October	7, 1890	19 East 108th street.....	600 00
Robert B. Pitcairn	October	10, 1890	Died December 11, 1893	567 31
John Phelan	December	2, 1890	158 East Eighty-fourth street.....	600 00
James T. Pinckney.....	January	29, 1892	1963 Washington avenue.....	600 00
Frederick Protz.....	February	9, 1892	Keyport, N. J.	650 00

DISBURSEMENTS FOR THE YEAR ENDING DECEMBER 31, 1893 — (Continued).

NAME.	Retired,	Residence.	Amount.
Alonzo Powell	December 2, 1892	225 East 104th street.....	\$600 00
Edward Pertell	February 10, 1893	619 Blackwood street.....	561 66
James Quigley, No. 1.....	December 9, 1884	22 Greenwich street.....	420 00
James Quigley, No. 2.....	May 10, 1887	1055 Third avenue	600 00
Henry B. Quinn	July 8, 1890	332 Madison street	600 00
James Quinn	February 26, 1892	539 East 149th street.....	600 00
Chauncey T. Quintard	July 8, 1892	135th street and Eighth avenue	650 00
Samuel Robinson.....	April 16, 1880	Vineland, N. J.....	600 00
James D. Rockwell	October 19, 1890	24 South Elliott place.....	500 00
Benjamin K. Rogers.....	May 10, 1875	862 Amsterdam avenue	300 00
John Ryan	March 1, 1883	251 West 122d street	200 00
Benjamin H. Rogers.....	April 10, 1883	Died August 3, 1893.....	355 43
Augustus J. Reilly	April 10, 1883	Leonia, N. J.....	600 00
Abraham Riker	April 10, 1883	Belleville, N. J.....	600 00
Patrick Rooney	April 12, 1883	Stonington, Conn.....	200 00
Thomas Reid	May 15, 1884	24 Vandam street.....	800 00
John J. Reilly	December 19, 1884	Burke, Franklin Co., N. Y.....	600 00
William Read	December 15, 1885	216 East 118th street.....	600 00
Albert Rector	February 5, 1886	Spring Valley, Rockland county	660 00
Frank B. Randall	February 12, 1886	108 Weirfield street, Brooklyn.....	600 00
Henry Roberts	March 9, 1886	893 Cauldwell avenue.....	800 00
Robert P. Reilly	June 19, 1886	931 Park avenue	600 00
Edwin K. Robinson	November 16, 1886	West Milton, N. J.....	600 00
George W. D. Reenie.....	December 28, 1886	Irvington-on-Hudson	600 00
James Robinson.....	February 4, 1887	263 West Houston street.....	500 00
John M. Robbins	December 2, 1887	Williamsbridge	1,000 00

Michael M. Rooney	December 20, 1887	19 East 133d street.....	800 00
Arthur Rourke	October 2, 1888	2227 Seventh avenue	800 00
Labon Raynor.....	May 7, 1889	East Moriches	600 00
William Robinson.....	June 6, 1890	210 East Thirty-first street	600 00
Thomas Reynolds.....	September 24, 1890	45 West Ninety-second street.....	600 00
Philip E. Reville	March 17, 1891	508 West 161st street.....	600 00
Michael Rooney.....	June 24, 1891	47 Fleet street, Brooklyn.....	600 00
Edmund Ryan	July 31, 1891	37 Oliver street	600 00
Matthew Robb	July 1, 1892	Died September 14, 1893	423 81
John E. Ronk.....	September 9, 1892	Binghamton	1,000 00
John Raymond.....	December 30, 1892	35 Cannon street.....	600 00
Nicholas A. Rickman.....	January 6, 1893	Arlington, N. J	589 99
Peter Reilly.....	January 31, 1893	96 East Fourth street.....	548 32
John Ross	April 11, 1893	636 East 139th street	431 86
Peter Richardson	June 14, 1893	Walkill, Ulster county, N. Y	326 37
John Raleigh.....	November 10, 1893	512 West 121st street	83 15
Alexander F. Runge.....	November 21, 1893	68 East Ninetieth street	65 21
Andrew H. Rowly	December 22, 1893	971 Madison avenue	14 67
Arthur B. Simonson	July 1, 1860	71 Powers street, Brooklyn.....	400 00
William H. Stagg	September 13, 1870	1070 De Kalb avenue, Brooklyn	350 00
John E. Sparrow	April 3, 1874	Foot E. 183d street.....	510 00
John H. Smith.....	September 13, 1878	450 East 117th street	600 00
Stephen B. Smith	October 25, 1878	Canandaigua, N. Y	800 00
Maurice S. Stack.....	March 9, 1880	Northport, L. I	600 00
John F. Standish.....	March 23, 1880	133 West Side avenue, Jersey City	600 00
Alfred P. Schultz	July 20, 1880	116 West 131st street	500 00
Henry Shaw.....	May 28, 1881	Died May 10, 1893.....	215 93
Alexander D. Smith.....	July 19, 1892	Bayonne, N. J	600 00
John N. Siebert.....	July 25, 1882	121 Fourth avenue, South Brooklyn.....	600 00
Peter Sheridan.....	April 24, 1883	Corner Simpson and Home streets.....	600 00
William H. Sutton	May 4, 1883	Patchogue, L. I	600 00

DISBURSEMENTS FOR THE YEAR ENDING DECEMBER 31, 1893 — (Continued).

NAME.	Retired.	Residence.	Amount.
Daniel Sheehan	September 12, 1883	120 Park row	\$600 00
Isaac Schneittacher	November 9, 1883	318 East Fifty-first street	600 00
Joseph Sands	January 30, 1885	215 West Twentieth street	600 00
James T. Sherwood	February 3, 1885	Died February 15, 1893	76 66
Garrett Stack	April 10, 1885	81 South Arlington avenue, Orange	600 00
Alexander Stuart	June 23, 1885	221 West 131st street	600 00
Samuel Soule	December 7, 1886	500 East 121st street	600 00
John Seery	December 10, 1886	770 Tenth avenue	600 00
Stephen Shellard	January 7, 1887	1007 Halsey street	600 00
Henry C. Slott	February 25, 1887	West Hoboken	600 00
Joseph Stewart	March 4, 1887	679 Monroe street, Brooklyn	800 00
Augustus Svarboro	March 29, 1887	31 City Hall place	300 00
Francis Smith	May 20, 1887	28 Orient avenue, Brooklyn	600 00
Nathan B. Sanford	June 24, 1887	102 East Seventy-fourth street	600 00
John Stahl	October 28, 1887	17 Clinton street, Yonkers	600 00
John J. Sullivan	October 25, 1887	Glen Ridge, N. J.	600 00
Cornelius Sullivan	April 10, 1888	552 Tenth avenue	600 00
John Schutte	December 11, 1888	247 West Eighteenth street	600 00
John Sinclair	December 10, 1889	Bayside, N. Y.	600 00
Thomas W. Skuse	December 10, 1889	55 Garnet street, Brooklyn	600 00
Patrick Smith	January 10, 1890	Second street, Williamsbridge	600 00
Charles J. Simmons	January 21, 1890	446 East 118th street	600 00
John Shea	January 31, 1890	1568 Third avenue	600 00
Henry Spence	May 13, 1890	237 East Nineteenth street	650 00
LaFay Schulem	February 17, 1891	173 Broome street	600 00
Christopher Smith	October 9, 1891	38 Lewis street	600 00

James Sheridan.....	October 13, 1891	169 Forty-third street, Brooklyn.....	600 00
Carl K. Schick.....	December 4, 1891	1613 First avenue.....	600 00
David Sullivan.....	April 1, 1892	411 Halsey street, Brooklyn.....	600 00
Patrick Shea.....	April 1, 1892	243 East One Hundred and Ninth street	600 00
Patrick Smith.....	April 1, 1892	No. 2 Hall place.....	600 00
William A. Smith.....	April 5, 1892	Kingsbridge.....	600 00
Michael F. Shelley.....	April 26, 1892	104 East Ninetieth street.....	600 00
Henry Schoiske.....	July 29, 1892	635 E. One Hundred and Fifty-eighth st.	600 00
Timothy Scheffmeyer.....	September 30, 1892	338 West Thirty-first street.....	600 00
Henry V. Steers.....	October 1, 1892	473 West 124th street.....	2,500 00
Charles W. Smith.....	October 12, 1892	165th street and Jerome avenue.....	650 00
Edward Scanlon.....	December 2, 1892	252 Astor street, Newark, N. J.....	600 00
Louis Selig.....	December 2, 1892	Died January 13, 1893.....	20 76
Michael Scanlon.....	December 30, 1892	348 East Ninety-fifth street.....	600 00
George W. Smith.....	January 6, 1893	Died October 31, 1893.....	400 53
John O. Savercool.....	January 20, 1893	Dayport, L. I.....	566 66
John S. Sullivan.....	January 31, 1893	806 Park avenue, Hoboken.....	548 32
George D. Shaw.....	January 31, 1893	169th street and Sheridan avenue.....	548 32
George A. Schanck.....	January 31, 1893	151 East Fifty-sixth street.....	548 32
Elliott M. Stoddard.....	February 28, 1893	Lowville, Lewis county, N. Y.....	501 66
John P. Shea.....	April 18, 1893	Died October 20, 1893.....	151 45
Martin Steeper.....	May 19, 1893	546 East 143d street.....	369 22
George Spence.....	November 10, 1893	677 Hancock street, Brooklyn.....	90 08
George M. Skidmore.....	November 10, 1893	Goodground, L. I.....	83 15
James Todd.....	January 1, 1872	260 West 129th street.....	800 00
James Trainor.....	January 9, 1873	8 Attorney street.....	300 00
Jasper G. Terry.....	June 25, 1875	Riverhead, N. Y.....	600 00
John Thompson.....	March 9, 1880	Roseville, N. J.....	800 00
John B. Towne.....	April 16, 1880	Bayshore, L. I.....	600 00
Andrew B. Tutthill.....	June 15, 1893	Monroe, N. Y.....	600 00
Louis M. Terhune.....	February 20, 1884	Holokus, N. J.....	600 00

DISBURSEMENTS FOR THE YEAR ENDING DECEMBER 31, 1893 — (Continued).

NAME.	Retired.	Residence.	Amount.
Maurice Tracy	August 13, 1884	410 West Twenty ninth street.	\$600 00
George E. Townes	January 2, 1885	506 Park avenue, Brooklyn.	600 00
Josiah C. Terwilliger	February 20, 1885	520 West 159th street	600 00
James R. Thatcher	May 12, 1885	184 Pearsall avenue, Jersey City.	800 00
Launcelot J. Tierney	November 12, 1886	1172 Ogden avenue	600 00
Henry Pen Eyck	June 24, 1887	172 Alexander avenue	800 00
Harrison Tripp	January 31, 1888	Mount Kisco, N. Y.	600 00
Theron T. Thompson	April 17, 1888	East Rockaway	800 00
Brainard N. Thompson	April 15, 1890	Erastina, S. I.	600 00
William H. Thomas	July 1, 1890	Whitestone, L. I.	600 00
Edward C. Taylor	November 7, 1890	Crafts, N. Y.	600 00
James Tyrell	June 24, 1891	Cranford, N. J.	600 00
George A. Townsend	April 12, 1892	502 West 159th street	600 00
Anton Proll	June 14, 1892	96 Western boulevard	600 00
John J. Thompson	December 27, 1892	Forked River, N. J.	1,000 00
David H. Taylor	January 6, 1893	Allentown, N. J.	589 99
Michael Tully	January 6, 1893	210 West 105th street	589 99
Frederick Thuman	September 26, 1893	639 East 138th street	169 66
William D. Terry	December 12, 1893	Tuckahoe, N. Y.	33 55
John Thoden	December 29, 1893	.....	91 95
Morris Uhl	June 24, 1887	574 East 153d street	600 00
Jacob S. Van Riper	November 15, 1881	362 Lenox avenue	600 00
Lloyd B. Van Alstyne	June 1, 1883	Rutherford, N. J.	600 00
George Van Buskirk	August 28, 1885	193 Prospect avenue, Brooklyn	600 00
Thomas Veitch	June 22, 1886	West Hoboken	600 00
Cornelius Van Zandt	May 10, 1887	79 Sixth avenue	600 00

Jacob Vyse	June	24, 1887	117 East Eighty-fourth street.	500 00
William A. Varian	June	24, 1887	Kingsbridge	1,000 00
Henry C. Van Orden	April	1, 1890	663 East 134th street	600 00
Oliver Vail	October	18, 1892	1686 Second avenue	650 00
John Valient	December	16, 1892	Norwalk, Conn	600 00
Ferdinand Voss	December	20, 1892	436 East Eighty-eighth street	600 00
Leopold Wolf	June	1, 1868	167 East Ninety-fourth street	200 00
Francis A. Weymus	June	17, 1872	Died February 19, 1893	83 83
John W. Williams	April	10, 1874	Keyport, N. J	600 00
Jakes C. Westerfield	October	14, 1878	Passaic, N. J	600 00
James Walker	March	11, 1884	2034 Second avenue	500 00
Jeremiah Wood	April	16, 1883	Patchogue, L. I.	600 00
Leonard Walters	January	3, 1884	1058 Third avenue	600 00
Herman Wyatt	December	24, 1884	354 East Sixty-second street	600 00
Jacob Walters	December	30, 1884	268 West 134th street	600 00
George F. Waller	April	28, 1885	Babylon, L. I.	600 00
Daniel Webster	September	29, 1885	Ridgewood avenue, Brooklyn	600 00
Michael White	November	6, 1885	28 Ridge street	600 00
Thomas D. Willard	February	5, 1886	Muetchen, N. J	800 00
George E. Wolfe	November	12, 1886	140 West Twentieth street	600 00
Charles Wabding	December	4, 1886	328 Evergreen avenue, Brooklyn	600 00
James B. Wilson	December	28, 1886	255 West 134th street	800 00
Manual A. White	March	4, 1887	Cramford, N. J	600 00
Chas. W. Woodward	June	24, 1887	142 East Eighty-sixth street	800 00
John T. Wright	June	24, 1887	Fordham, N. Y	800 00
Watson H. Wagner	June	24, 1887	163d street and Kingsbridge	600 00
William Wright	June	24, 1887	Congers, N. Y	600 00
Charles F. Williams	June	24, 1887	31 Lincoln place, Brooklyn	800 00
Ligismund Waterman	June	24, 1887	165 East Sixtieth street	1,000 00
Joseph T. Webster	June	28, 1887	19 West One Hundredth street	500 00
Benjamin C. Woolson	November	25, 1887	Claremont, N. H.	600 00
John S. Waterman	December	16, 1887	381 Fifth street, Brooklyn	600 00
Leonard Walling	January	20, 1888	Died May 17, 1893	189 55

DISBURSEMENTS FOR THE YEAR ENDING DECEMBER 31, 1893 — (Concluded).

NAME.	Retired.	Residence.	Amount.
Gilbert L. Wright.....	February 28, 1888	Queens, L. I.....	\$600 00
George Wall	October 5, 1888	Cottage place.....	600 00
Orlando Wiley	February 28, 1890	Sharon Station, N. Y.....	650 00
Otto Weinkauff.....	April 1, 1890	227 East Seventy-fifth street.....	325 00
Edward Weber.....	April 22, 1890	186 Baltic street, Brooklyn.....	600 00
John H. White.....	May 2, 1890	Great River, N. Y.....	600 00
John H. Weeks.....	May 6, 1890	81 East 125th street.....	600 00
Robert O. Webb.....	August 26, 1890	Ellenville, Ulster county, N. Y.....	375 00
George H. Winner.....	October 5, 1891	Hazlet, N. J.....	650 00
Frank G. Weed.....	February 2, 1892	Woodlawn, N. Y.....	600 00
George W. Wood.....	February 9, 1892	45 Sheriff street.....	600 00
George D. Wisburn	July 8, 1892	Woodlawn, N. Y.....	650 00
Frank Woodward.....	November 20, 1892	118 East Eighty-third street.....	600 00
Seldon A. Woodruff.....	January 20, 1893	1 East 131st street.....	566 66
William H. Webb	February 28, 1893	Monroe avenue.....	836 11
Thomas J. Waters	March 28, 1893	29 Gouverneur street.....	454 99
Louis Walters	September 12, 1893	688 Amsterdam avenue.....	179 34
Augustus W. Warner	September 19, 1893	74 East 123d street.....	279 89
Charles Williamson	November 10, 1893	8 Devoe street.....	83 15
Patrick Wheelan	November 19, 1893	52 Macdougall street.....	83 15
Edward Wood.....	December 8, 1893	847 Union avenue.....	37 49
Theo. F. Young	April 7, 1885	16 Cedar street, Brooklyn.....	600 00
Peter Yule.....	July 1, 1890	235 East One Hundred and Tenth street	1,375 00
Michael C. Yaeger	July 29, 1892	540 East Eighty-sixth street.....	600 00
Leopold F. Yerkel	September 23, 1892	Sheepshead Bay, L. I.....	600 00
McCarthy, Frank, or John McCarthy, Committee .....	.....	502 West Fifty-fifth street	150 67

NAMES OF WIDOWS AND GUARDIANS PENSIONED.

WIDOWS AND GUARDIANS.	Pensioned.	Residence.	Amount.
Catharine Adams	March 1, 1880	Astoria, L. I.	\$300 00
Jennie Armstrong	August 10, 1884	217 West Thirty-third street	300 00
Ellen Areson	October 1, 1885	Fordham, N. Y.	300 00
Avelinus E. Abbott	March 8, 1886	213 East One Hundred and Tenth st.	300 00
Anna E. Albin	September 15, 1893	990 Han'ock street	39 78
Margaret E. Bailey	January 16, 1888	Bath, Rensselaer county, N. Y.	200 00
Maria Brophy	August 31, 1876	35 West Third street	300 00
Mary E. Butman	July 31, 1877	179 West Fourth street	200 00
Cornelia Bogardus	March 4, 1877	50 Madison avenue, Albany, N. Y.	250 00
Martha Blume	February 1, 1879	317 West Fiftyeth street	300 00
Martha Bendon	September 25, 1879	510 West Forty-seventh street	300 00
Maggie A. Bennett	April 22, 1880	349 W. One Hundred and Twentieth st.	300 00
Mary Breslin	August 4, 1891	182 Nelson street, Brooklyn	300 00
Bridget Burke	November 23, 1881	1605 Lexington avenue	300 00
Nancy H. Bryan	July 1, 1882	Arlington, N. J.	300 00
Ellen Breslin	July 10, 1882	165 East Eighty-fifth street	300 00
Margaret L. Bower	August 7, 1883	Died May 13, 1893	110 09
Pauline Briggs	August 2, 1884	Malone, N. Y.	300 00
Mary E. Barlow	October 16, 1884	Tremont avenue	300 00
Thomas Quinn, guardian to children	November 18, 1884	183 Dyckman street, Brooklyn	206 00
Caroline Butts	January 1, 1885	112 West Sixty-third street	260 00
Ada P. Brown, guardian, one child .....	.....	Expired November 17, 1893	132 06
Anne Burns	June 10, 1885	254 East Sixty-first street	300 00
Caroline Banta	June 12, 1885	Died March 12, 1893	59 16
Mary S. Bogart	August 4, 1885	173 East 114th street	300 00
Charlotte Bliss	January 27, 1886	518 East 119th street	300 00

NAMES OF WIDOWS AND GUARDIANS PENSIONED — (Continued).

WIDOWS AND GUARDIANS.	Pensioned.	Residence.	Amount.
Sarah Blackwood	January 17, 1886	193 Greenwich street	\$300 00
Lucy H. Bailey	April 1, 1886	339 East Twenty-ninth street	150 00
Louisa J. Bates	October 28, 1886	342 Quincy street, Brooklyn	300 00
Caroline Brice	July 1, 1888	451 West Thirty-seventh street	300 00
Margaret Brennan	October 28, 1888	246 East Thirty-second street	600 00
Mary Burke	July 1, 1890	456 Ninth avenue	300 00
Kate Barrett	December 1, 1890	306 West Thirty-ninth street	300 00
Charine Bruen	May 2, 1891	159 West Eighty-third street	240 00
Michael Brophy, guardian, two children.	October 1, 1891	October 20, 1893, one child expired	270 65
Annie Barrett	October 1, 1892	77 Oliver street	200 00
Sarah E. Bartley	October 1, 1892	531 West Forty-seventh street	300 00
Mary Burke	January 6, 1893	531 West Forty-seventh street	300 00
Catharine F. M. Bennt	June 2, 1893	568 Lexington avenue	160 21
Ellen Corlett	July 14, 1898	557 West Forty-second street	300 00
Annie Cronin	July 20, 1870	293 Henry street	300 00
Margaret Conway	January 7, 1874	760 Sixth street	250 00
Mary Cowen	June 3, 1874	139 East 117th street	300 00
Kate Crowe	August 5, 1876	1372 Greene avenue, Brooklyn	300 00
Mary Cole	September 12, 1878	159 East 108th street	300 00
Jennie Cox	December 12, 1880	19 Smith street, Newburgh, N. Y.	300 00
Sarah L. Chandler	August 21, 1881	100 East 121st street	300 00
Bridget Cooper	June 5, 1883	203 West Sixty-first street	300 00
Catharine E. Crolus	June 7, 1883	Died December 20, 1893	291 03
Annie Carney	October 4, 1893	401 East Thirty-fourth street	300 00
Catharine C. Cherry, guardian, one child	March 8, 1885	3 Third place, Brooklyn	100 00
Robenia T. Cropsey	June 12, 1885	167 Academy street, Jersey City, N. J. .	300 00

Susan Combs	April	1, 1885	171 Carlton avenue, Brooklyn.....	300 00
Catharine Connor	June	25, 1885	329 West Fifteenth street.....	300 00
Mary F. Cornell	October	1, 1885	96 Rivington street	300 00
Ann O. Connor	February	16, 1886	1421 Amsterdam avenue.....	300 00
Mary C. Carpenter	March	9, 1886	128 East 112th street	300 00
Mary Ann Cornwell	April	26, 1886	201 South Second street, Brooklyn	300 00
Mary Caddell.....	August	25, 1886	65 Schenectady avenue, Brooklyn	300 00
Alice D. Connolly	January	3, 1887	116 East 123d street.....	300 00
Delia A. Curley	April	1, 1887	470 Pearl street.....	300 00
Mary Conklin	August	12, 1887	173d street and Bathgate avenue.....	300 00
Delia Coen.....	January	15, 1889	229 West Twenty-third street	150 00
Mary Cunningham	October	1, 1889	841 Washington avenue.....	240 00
Rachael Clincy	December	15, 1889	558 Lexington avenue, Brooklyn.....	240 00
Rebecca T. Creed.....	July	1, 1890	Williamsbridge, N. Y.....	300 00
Margaret J. Carr.....	July	1, 1890	24 Pearl street.....	300 00
Eugene J. Cunningham, guardian, one child	September	19, 1890	Expired October 8, 1893	300 00
Bridget A. Cashman	July	1, 1891	18 Hubert street	115 76
Ellen Carson	October	1, 1891	605 East Eighty-eighth street	180 00
Bridget Coyle	December	15, 1891	202 Madison street	150 00
Catharine Cody	December	1, 1892	714 Third avenue	150 00
Bridget T. Carey	January	1, 1893	293 West Sixty-first street	240 00
Eliza Church	January	1, 1893	203 West Sixty-first street	600 00
Christian E. Courtlander	May	12, 1893	180 Fifth avenue, Brooklyn	200 00
Rene Duryea.....	May	16, 1864	33 Waverly street, Jersey City, N. J. ..	133 51
Cath. Dougherty.....	August	20, 1877	350 West Twenty-fourth street	300 00
Elizabeth De Gex	August	10, 1877	1723 Madison avenue.....	300 00
Myra Dymond.....	January	1, 1880	162 East 122d street.....	300 00
Ann Doran.....	January	20, 1880	444 East 122d street.....	300 00
J'hanna Daly	December	18, 1879	112 East 123d street.....	300 00
Eliza Davidson	October	26, 1884	24 Macdougall street.....	300 00
Mary Dolley	May	19, 1885	236 East Twenty-fourth street.....	300 00

NAMES OF WIDOWS AND GUARDIANS PENSIONED — (Continued).

WIDOWS AND GUARDIANS.	Pensioned.	Residence.	Amount.
Mary F. Disbrow	July 1, 1885	520 East Eighty-fifth street	\$300 00
Essie F. Dalton	November 16, 1885	81 Henry street, Brooklyn	300 00
Caroline	October 18, 1885	304 West 118th street	300 00
Lydia Dunlap	November 26, 1885	231 East Sixty-ninth street	300 00
Mathilda Dyruiff	March 14, 1886	83 Suffolk street	300 00
Mary Doty	July 17, 1886	2484 Second avenue	300 00
Martha A. Doty	July 26, 1886	Kansas street, Hackensack, N. J.	300 00
Maggie Doorley	October 24, 1887	13 Highland avenue, Sing Sing	300 00
Jacob Baker, guardian, two children ..	July 24, 1887	274 West 117th street	300 00
Chabanna J. Darke	April 1, 1889	Woodstock, N. Y.	300 00
Mary Jane Dougherty	June 1, 1889	230 East 114th street	300 00
Hattie V. DeNyse	December 31, 1889	239 West Eleventh street	300 00
Mary Dooley	October 1, 1890	58 Hester street	180 00
Eliza Devitt	February 1, 1891	55 Watts street	240 00
Elizabeth Douglass	May 15, 1891	254 Hutton street, Jersey City, N. J. ..	180 00
Mary Goggin, guardian, two children ..	July 1, 1891	1 White street	200 00
Margaret Ditmars	August 5, 1891	350 East Sixty-fifth street	180 00
Margaret Doyle	May 20, 1893	714 Ninth avenue	160 21
Clara A. L. B. Davis	July 12, 1893	180 East 120th street	120 00
Ann Elliott	May 23, 1864	104 West Eighty-first street	300 00
Mary C. Eagleston	February 8, 1865	193 Powers street, Brooklyn	200 00
Sarah Eldot	March 4, 1871	1254 Coles street, Jersey City, N. J. ...	300 00
Catharine Evers	November 8, 1874	330 West Twenty-eighth street	250 00
Elizabeth Ellis	September 25, 1879	366a Eighth avenue	300 00
Susan A. Eberhard	April 11, 1882	264 Webster avenue, Jersey City, N. J. .	300 00
Christian Esch	January 28, 1883	783 East 163d street	300 00

Owen Eagan, guardian, two children ...	July	14, 1886	690 Third avenue	300 00
Martha A. Flandrau	February	4, 1877	1100 Woodward ave., Detroit, Mich...	400 00
Henriette Fountaine	September	29, '878	314 West 141st street	300 00
Mary Fisher	September	25, 1879	356 Tenth avenue	300 00
Marie Finnerty	March	1, 1880	60 Broad street	300 00
Mary Falconer	October	20, 1882	2110 Boulevard	300 00
Phebe D. Freude	December	4, 1883	497 Greene avenue, Brooklyn	300 00
Carrie Field	June	20, 1884	2194 Seventh avenue	300 00
William H. Wartz, guardian, one child ..	April	12, 1885	Canarsie, L. I.	300 00
Bridget Flynn	April	9, 1887	682 Lexington avenue	300 00
Julia Farley	December	21, 1888	314 East Twelfth street	300 00
Sarah D. Feron	June	1, 1889	74 Perry street	300 00
Rosa D. Flynn	November	14, 1889	152 East Fiftieth street	300 00
Margaret Fosket	May	2, 1891	1366 Third avenue	240 00
Siina B. Villikan, guardian, two children	October	1, 1891	534 Leonard street, Greenpoint, L. I. ...	240 00
Ellen Feeney	October	1, 1891	170 East One Hundred and Twelfth st.	150 00
Ann Finnerty	December	18, 1891	46 Fifth avenue, Brooklyn	200 00
Mary Gorgan	August	17, 1867	Far Rockaway	300 00
Elizabeth C. Graham	April	11, 1870	Groton, Conn.	300 00
Margaret Gillen	January	1, 1876	489 Pearl street	300 00
Bridget A. Gaffney	October	1, 1879	325 East Twenty-fifth street	300 00
Margaret A. Gannon	August	9, 1891	2096 Third avenue	300 00
Sarah Golden	September	23, 1882	725 East 144th street	300 00
Annie Gallagher	November	6, 1882	100 East Eighty-ninth street	600 00
Mary Green	January	9, 1883	241 West Twentieth street	300 00
Maggie E. Gilroy	November	4, 1883	337 East Twenty-second street	300 00
Rose Gabriel	January	1, 1887	220 East Eighty-second street	300 00
Phebe J. Gibbons	October	15, 1888	89 Flatbush avenue, Brooklyn	300 00
Emma Gilligan	October	1, 1889	76 East 148th street	240 00
Elizabeth Gaw	July	1, 1890	284 Ninth avenue	240 00
Margaret Gilbdire	July	1, 1890	423 East Twenty-second street	300 00

NAMES OF WIDOWS AND GUARDIANS PENSIONED — (Continued).

WIDOWS AND GUARDIANS.	Pensioned.	Residence.	Amount.
Elizabeth Gibson.....	July 1, 1890	Died July 4, 1893.....	\$122 60
Elizabeth Gar-side.....	September 15, 1890	729 East 139th street.....	120 00
Elizabeth Gilgar.....	February 13, 1891	716 Second avenue.....	240 00
Sarah Galligan.....	April 18, 1893	445 E. One Hundred and Nineteenth st.	225 00
Mary Glass.....	October 13, 1893	124 West Broadway.....	50 00
Delia Gleason.....	October 13, 1893	242 East Twenty-first street.....	125 00
Margaret Hausman.....	June 15, 1875	332 Eighth street, Brooklyn.....	200 00
Jane C. Holman.....	June 18, 1875	Rutherford, N. J.....	300 00
Lucinda Hicks.....	June 1, 1876	225 East 127th street.....	250 00
Elizabeth Hawkins.....	June 1, 1876	304 West 128th street.....	300 00
Ann E. Houston.....	December 23, 1877	Sufferns, N. Y.....	300 00
Caroline Hutchinson.....	January 1, 1878	146 Duffield street, Brooklyn.....	300 00
Sinai Hill.....	July 5, 1881	182 Warren street, Brooklyn.....	300 00
Margaretta Hildebrand.....	November 9, 1882	529 East Eighty fifth street.....	300 00
Jane Hodge.....	October 1, 1882	206 East Seventeenth street.....	300 00
Ann Hunt.....	January 22, 1883	212 East Thirty sixth street.....	300 00
Ann M. Hartel.....	February 15, 1883	Died February 28, 1893.....	48 32
Sarah M. Hill.....	April 8, 1883	131 Charles street.....	300 00
Ann Hughes.....	August 30, 1884	124 East 114th street.....	300 00
Henriette Hufner.....	October 1, 1884	864 Third avenue.....	300 00
Elizabeth Houghton.....	January 13, 1885	608 East Fifth street.....	300 00
Margaret Hogan.....	April 27, 1885	911 Harbon street, Syracuse.....	300 00
Lorette A. Hartt.....	July 1, 1886	158 St. Nicholas avenue.....	300 00
Margaret Haggerty.....	November 24, 1886	37 Sutton place.....	300 00
Mary Jane Haley.....	October 14, 1887	509 East Eighty-eighth street.....	300 00
Jane A. Herrick.....	January 15, 1889	Morristown, N. J.....	300 00

Mathilda Haagen	February 1, 1889	1 Dry Dock street	300 00
Annie Harris	May 15, 1889	21 Scanlon street.....	300 00
Margaret F. Hogan	January 3, 1890	1639 Madison avenue.....	300 00
Maria Heintz	July 1, 1890	138 First avenue.....	240 00
Margaret Hagan, guardian, three children	July 1, 1890	Expired November 21, 1893	244 00
Edmund Coffin, guardian, one child	November 15, 1891	102 Broadway	100 00
Elizabeth Harting	July 1, 1892	608 East Fifth street	240 00
Kate A. Hagan	August 26, 1892	19 North Moore street	120 00
Louise Horbett	December 2, 1892	307 West 147th street	300 00
Minnie A. Hyland	December 30, 1892	169 East Eighty-ninth street.....	300 00
Delia Jenkins	January 6, 1892	Cherry Hill, Bergen county, N. J	300 00
Josephine Jones	December 10, 1895	48 West Sixty-eighth street	300 00
Mary A. Jones	March 9, 1899	997 Halsey street, Brooklyn	300 00
Anna Maria James	February 16, 1874	West Hoboken	300 00
Anna E. Jarboe	January 19, 1874	287 Willis avenue.....	300 00
Mary E. Jones	January 1, 1879	95 South Second street, Brooklyn	300 00
Elizabeth Johns	April 1, 1875	319 South Seventh street, Brooklyn	300 00
Mary A. Johnson	January 13, 1888	1065A Greene avenue, Brooklyn.....	300 00
Margaret Kenny	December 6, 1877	2253 First avenue.....	300 00
Eleanor M. Keenan	February 14, 1882	1 3 West Forty fifth street.....	300 00
Mary Clinton, guardian, two children.....	June 22, 1884	412 West Twenty-ninth street	120 00
Julia E. Kenny	December 13, 1884	1611 Park avenue.....	300 00
Ellen S. King.....	August 12, 1885	East Patchogue, L. I	300 00
Catharine Killilea	October 10, 1885	300 West Fifty-fourth street	300 00
Sarah T. Knox	July 1, 1890	.....	150 00
Mary E. Keating	July 15, 1890	Denman place	300 00
Annie Kirley	October 1, 1890	160th street and Tenth avenue.....	300 00
Margaret Kennedy	November 1, 1890	119 Sanford street, Brooklyn	300 00
Andrew Wiser, guardian, one child.....	December 30, 1892	136 Seventh street	150 00
Ann Kiernan, guardian, three children	December 30, 1892	Expired April 13, 1893 ..	182 85
Mary Kennelly	April 18, 1893	493 Third avenue	225 00

NAMES OF WIDOWS AND GUARDIANS PENSIONED — (Continued).

WIDOWS AND GUARDIANS.	Pensioned.	Residence.	Amount.
Ellen Lay	October 11, 1877	83 Cedar street	\$300 00
Sophia Lathan	November 6, 1880	301 East 113th street	300 00
Phoebe Lenandoll	January 15, 1881	Phillipsport, Sullivan county, N. Y.	300 00
Josephine Lefferts	April 22, 1881	314 Van Buren street, Brooklyn	300 00
Freelove B. Lewis	October 1, 1884	15 King street	300 00
Mary C. Lynch	September 6, 1884	74 East 123d street	300 00
Maggie Lahey	October 1, 1885	324 West 113th street	300 00
Anna Maria Lent	May 14, 1886	Kingsbridge	300 00
Rebecca Lahart	August 21, 1886	94 Cannon street	300 00
Maria Laly	November 8, 1886	365 West Fifteenth street	300 00
Mary Leroy	January 1, 1887	372 Manhattan avenue	300 00
Emily L. Laird	January 1, 1887	2099 Eighth avenue	300 00
Lydia S. Long	January 1, 1887	119 East 128th street	300 00
Mary Jane Lyon	April 1, 1887	Banksville, N. Y.	300 00
Sarah Ann Long	August 27, 1887	204 East Twenty-fifth street	300 00
Nancy A. Leighton	October 1, 1888	10 Crosby street, Stamford, Conn	300 00
Rosanna Lynch	February 1, 1889	54 West 129th street	300 00
Mary Jane Law	December 31, 1889	243 East 112th street	180 00
Bridget Long	July 1, 1890	13 Oak street	180 00
Margaret Leddy	October 1, 1890	246 West Thirty-fifth street	300 00
Catharine Loonan	December 2, 1892	341 East Seventy-ninth street	300 00
Harriette Morgan	January 17, 1898	Stamford, Conn	300 00
Mary Miller	July 2, 1875	3411 Third avenue	300 00
Annie E. Mallam	February 1, 1879	369 Bleecker street	300 00
Mary Jane Miner	February 3, 1880	286 Grand street	300 00
Ellen Musgrave	November 7, 1884	637 Ninth avenue	300 00

Mary E. Michaels.....	January	24, 1885	65 Monroe street.....	300 00
Annie Moore, guardian, one child	January	24, 1885	225 East Seventieth street.....	150 00
Lizzie Miller	July	1, 1885	223 Sullivan street	300 00
Elizabeth Moore	October	1, 1885	626 Eighth avenue	300 00
Louisa A. Megson.....	April	1, 1886	108 East One Hundred and Sixteenth st.	300 00
Margaret Malone	March	12, 1886	340 West Forty-seventh street.....	300 00
Mary Mullane	October	12, 1886	175 East Sixty-eighth street.....	300 00
Susan E. Montgomery	January	11, 1887	244 East One Hundred and Twentieth st.	600 00
Eliza Miller	March	20, 1887	249 East Eighty-fourth street.....	300 00
Caroline E. Miller.....	April	21, 1887	304 W. One Hundred and Fourteenth st.	300 00
Mary Moore.....	October	2, 1887	Highlands Falls, N. Y.	300 00
William Minnick, guardian, two children	June	20, 1887	390 Fourth avenue	150 00
Margaret Maguire.....	November	2, 1887	170 West Tenth street.....	300 00
Geo. B. Stoddard, guardian, four children	January	1, 1888	Glen Cove, L. I.	300 00
Annie G. Meaney	October	15, 1888	31 Cannon	300 00
Mary Ann Mitchell.....	December	21, 1888	75 Charlton street.....	300 00
Annie Maloney	December	22, 1888	179 Mulberry street.....	300 00
Maria Miller.....	March	23, 1889	411 West Fortieth street.....	300 00
John P. Mohr, guardian, one child	July	17, 1889	Expired October 29, 1893.....	124 32
Mary Ann Mayer	July	1, 1890	158 East Ninety-second street	180 00
Emily H. Maforth.....	July	1, 1890	219 East Sixth street.....	180 00
Mary E. Meade.....	November	1, 1890	707 East 135th street.....	300 00
Caroline Murphy	November	15, 1891	1802 Avenue A.....	300 00
Emily Miller	February	9, 1892	116 East 107th street.....	300 00
Mary A. Maynard.....	April	19, 1892	1802 Avenue A.....	300 00
Bernard Martin, guardian, one child.....	December	2, 1892	99 Cannon street.....	120 00
Frances Merkle	December	2, 1892	1926 Amsterdam avenue	240 00
Julia A. Moore	February	28, 1893	Morristown, N. J.....	200 00
Rose Reilly, guardian, one child	May	26, 1893	357 West Eleventh street.....	300 00
Charlotte McIntyre	August	9, 1893	Bradford street, Brooklyn.....	300 00
Jane McGiven.....	July	24, 1876	114 East Eleventh street	300 00

NAMES OF WIDOWS AND GUARDIANS PENSIONED — (Continued).

WIDOWS AND GUARDIANS.	Pensioned.	Residence.	Amount.
Catharine McQuade	February 1, 1879	233 East Twenty-first street.....	\$300 00
Elizabeth McGee	July 10, 1880	58 Third street, South Brooklyn	300 00
Huldack McDougal	January 16, 1881	Cross River, N. Y.	300 00
Agnes C. McGuire	July 16, 1881	323 East Eighty-ninth street.....	300 00
Mary F. McSally	August 15, 1882	97 Barrow street.....	300 00
Sarah Quigley, guardian, one child.....	June 21, 1884	327 West Forty-fourth street.....	100 00
Mary Ann Brown, guardian, one child..	November 19, 1884	235 East Fifty-fourth street.....	100 00
Jane McSorley	April 1, 1885	79 West 124th street	300 00
Elizabeth McConnell	February 28, 1885	439 West Thirteenth street.....	300 00
Matilda McCullagh	October 21, 1886	Elmsford, Westchester county	300 00
Sarah A. McLaughlin	November 2, 1886	439 East 123d street.....	300 00
Ellen McKensie	January 12, 1887	2098 Fifth avenue.....	300 00
Sarah A. McPherson	August 17, 1887	89 West 103d street.....	300 00
Frances E. McGowan	September 1, 1888	158 East Eighty-fourth street.....	300 00
Catharine E. McGuire	June 9, 1889	197 West Tenth street.....	300 00
Ann McDermott	November 15, 1889	102 East Forty-fifth street.....	300 00
Elizabeth McCauley	October 2, 1890	514 East 168th street.....	240 00
Elizabeth McGowan	February 1, 1891	69 East Ninety-fifth street.....	240 00
Amelia McGovern	May 2, 1891	799 Second avenue	240 00
Ellen McKenna	July 1, 1891	550 East 149th street.....	240 00
Catharine McCormick	October 1, 1891	208 West Thirty-fifth street.....	240 00
Ellen McDonough	October 28, 1892	Melrose, N. Y.	300 00
Margaret McCarthy	December 2, 1892	Kin. u. bridge, N. Y.	300 00
Mary A. McIlhargy	December 2, 1892	1603 Lexington avenue	240 00
Mary A. McDermont	October 13, 1893	1558 Second avenue	75 00
Mary A. McDermott.....	October 13, 1893	1558 Second avenue	75 00

Elizabeth McBride	November 10, 1893	St. Vincent's Hospital	49 72
Ann McConnell	November 24, 1893	Throggs Neck, Westchester co., N. Y.	39 78
Catharine Nulet	November 7, 1864	51 Manhattan street	225 00
Margaret Naylan	July 1, 1890	244 West Thirty-first street	300 00
Ellen Nolan	December 2, 1892	737 East Eleventh street	120 00
Elizabeth Neil	November 24, 1893	Kingsbridge, N. Y	29 83
Elizabeth K. Olmstead	July 30, 1868	147 West 129th street	300 00
Catharine O'Brien	August 25, 1864	131 West Sixty-seventh street	300 00
Deborah O'Connell	September 14, 1878	11 State street	300 00
Catharine O'Hara	March 1, 1880	63 Perry street	300 00
Mary E. O'Brien	March 6, 1881	254 West Thirty-first street	300 00
Margaret O'Neill	February 21, 1882	203 West Eleventh street	300 00
Mary M. O'Brien	March 19, 1883	150th st., bet. Courtlandt and Morris avs.	300 00
Ellen O'Hara	August 7, 1884	162 East One Hundred and Third st...	300 00
Mary Ann O'Brien	July 1, 1885	532 West 126th street	300 00
Elizabeth O'Neill	December 1, 1886	343 East 147th street	300 00
Kate O'Leary	January 1, 1887	105 East Eighty-eighth street	300 00
Susan O'Connor	October 28, 1892	105 East Eighty-eighth street	180 00
Catharine O'Brien	April 18, 1893	2044 Vanderbilt avenue	300 00
Margaret Potts	July 30, 1878	120 East Fifty-third street	300 00
Johanna Palmer	September 1, 1878	72 Beaver street	300 00
Emma J. Palmer	October 31, 1880	219 Mulberry street	300 00
Adelaide E. Peabody	April 16, 1881	675 Deboris avenue, Astoria	300 00
Margaret Patterson	February 26, 1883	23 Seventh street	300 00
Phebe R. Parsons	August 9, 1886	43 Lexington avenue, Brooklyn	300 00
Mary E. Purroy	January 1, 1887	Audubon Park	300 00
Sarah S. Place	November 4, 1887	64 East 125th street	300 00
Martha Jane Parish	August 15, 1889	45 Sheriff street	300 00
Elizabeth T. Palmer	July 1, 1891	187 West Side ave., Jersey City, N. Y.	150 00
Mary A. Peary	July 1, 1891	8 West 135th street	240 00
Jane Pope	April 4, 1893	391 South boulevard	135 00

NAMES OF WIDOWS AND GUARDIANS PENSIONED — (Continued).

WIDOWS AND GUARDIANS.	Pensioned.	Residence.	Amount.
Ann Quinlan	October 4, 1865	244 State street, Hudson, N. Y.	\$300 00
Elizabeth Quackenbush	October 1, 1890	212 West Tenth street.	180 00
Margaret Reilly	February 24, 1882	41st st. and Sixth ave., S. Brooklyn, N. Y.	300 00
Catharine F. Ryer	February 1, 1882	Fort Washington	300 00
Maria G. Rogers	April 21, 1883	230 West Forty-ninth street.	300 00
Mary Ryan	May 27, 1883	178 Union street, Brooklyn.	300 00
Mary Reynolds	March 6, 1884	25 McDougal street	300 00
Eleanor C. Robertson ..	March 15, 1885	Atlantic Highlands, N. J.	300 00
Margaret Rogers	March 19, 1885	265 Ridge street.	300 00
Maria L. Rockwell	October 1, 1885	227 East Thirty-ninth street	300 00
Eliza Reagan	December 5, 1885	546 Grand street.	300 00
Ellen Reilly	September 6, 1886	372 East Fourth street.	300 00
Mary L. Russell	May 4, 1884	Tarrytown, N. Y.	300 00
Mary Reilly	January 11, 1888	319 East Twenty-first street	300 00
H. P. Roderman, guardian, one child ..	October 1, 1889	Morristown, N. J.	120 00
Nellie Roach, guardian, four children...	October 1, 1889	19 Bethune street	200 00
Wm. H. Ruland, guardian, two children.	July 1, 1890	Bath Beach, L. I.	120 00
Idella B. Redgate	July 1, 1890	2411 Second avenue	300 00
Kate Reilly	December 1, 1890	411 East Ninth street.	300 00
John B. McNeill, guardian, one child...	January 1, 1891	Bayonne City, N. J.	120 00
Mary E. Roberts	July 1, 1891	135 West Fourteenth street	180 00
Harriette E. Rhoades	October 1, 1891	509 West Fifth street	240 00
Caroline Richards	February 9, 1892	Fordham	200 00
Eliza E. Robinson	September 9, 1892	339 East 106th street.	150 00
Rosanna Rever	October 28, 1892	249 West Eleventh street	240 00
Margaret Ramsey	October 28, 1892	Died May 25, 1893	96 26

Hannah Reagan	February 1, 1893	206 East Ninetieth street	274 16
Jennie Ramsey, guardian	October 13, 1893	667 East 135th street	50 00
Elizabeth Squires	November 1, 1895	378 Decatur street, Brooklyn	300 00
Catharine E. Sharkey	April 16, 1892	101 Perry street	300 00
Mary Smedick	July 23, 1868	585 Tenth avenue	300 00
Aleatha Smith	April 8, 1869	201 East Eighty-second street	300 00
Ellen M. Sansford	March 15, 1884	177 Sherman avenue, Jersey City, N. J.	300 00
Johanna Sullivan	June 11, 1875	260 West 126th street	300 00
Catharine Speight	March 20, 1877	Ramapo, N. J.	300 00
Sarah Spratt	July 1, 1878	198 Prospect street, Brooklyn	300 00
Margaret Sullivan	September 29, 1875	30 Bergen street, Brooklyn	300 00
Mary E. Snyder	November 13, 1880	Brentwood, N. H.	300 00
Catharine Slattery	August 27, 1881	Died January 18, 1893	300 00
Catharine Swartz	March 3, 1882	Mount Vernon, N. Y.	14 49
Elizabeth Simpson	March 31, 1883	Died April 9, 1893	300 00
Mary Stewart	February 2, 1884	341 East Ninth street	82 41
Ella Simmonds	September 7, 1884	335 Washington avenue, Scranton, Pa.	300 00
Sarah Schmink	November 3, 1884	71 West 126th street	300 00
Elizabeth Stoken	January 1, 1885	722 East 138th street	300 00
Eliza A. Signa	March 26, 1886	601 Second avenue, Asbury Park	300 00
Elizabeth Swaze	March 14, 1886	58 Charles street	300 00
Margaret Sinclair	April 5, 1886	2433 First avenue	300 00
Catharine Smith	October 1, 1886	530 East Seventeenth street	200 00
Eliza A. Smith	January 1, 1888	569 Lorimer street, Brooklyn	300 00
Eleanor V. Simington	May 1, 1889	450 East 123d street	300 00
Maggie Scully	November 12, 1889	34 Webster avenue, New Rochelle	300 00
Mary Scanlon	December 31, 1889	56 Madison street	300 00
Elvira Stevens	July 1, 1890	470 West Forty-third street	240 00
Maria Sammis	July 1, 1890	Madalin, Duchess county, N. Y.	150 00
Geo. Shoemaker, guardian, two children.	October 1, 1890	One expired January 5, 1893	101 38
Susan A. Stilwell	May 5, 1891	88 West 134th street	180 00

NAMES OF WIDOWS AND GUARDIANS PENSIONED — (Continued).

WIDOWS AND GUARDIANS.	Pensioned.	Residence.	Amount.
Lodema O. Sherman	October 1, 1891	Honesville, N. Y.	\$600 00
Mary M. Sullivan	February 9, 1892	63 Seventh avenue	300 00
Louise Smith	July 1, 1892	309 East Third street	240 00
Mary Shiel	September 10, 1892	420 West Forty-second street	300 00
Louise Snyder	December 1, 1892	97 Hamburg avenue, Brooklyn	240 00
Maria Stewart	February 7, 1893	253 West Nineteenth street	219 33
Rosanna Selig	February 28, 1893	429 East Seventy-ninth street	167 22
Adelaide L. Sweeny	February 28, 1893	323 East Twenty-seventh street	250 83
Julia A. Savage	April 18, 1893	20 Oliver street	180 00
Annie R. Schroff	May 23, 1893	719 East 167th street	160 21
Adolphine Thompson	July 22, 1881	21 King street	300 00
Harriette V. Thorne	March 20, 1885	Long Branch, N. J.	300 00
Charity Tompkins	April 1, 1885	Williamsbridge	300 00
Mary L. Torbush	November 15, 1886	Cranford, N. J.	300 00
Elizabeth Taylor	July 1, 1886	420 East One Hundred and Fifteenth st.	300 00
Hannah Teunis	July 1, 1888	413 Kosciusco street, Brooklyn	300 00
Sarah L. Thayer	February 1, 1890	511 E. One Hundred and Nineteenth st.	300 00
Ellen Tiernan	November 1, 1889	475 Sackett street, Brooklyn	300 00
Mary Jane Taylor	September 18, 1891	1899 Lexington avenue	300 00
Catharine Thomson	April 22, 1892	291 W. One Hundred and Sixteenth st.	300 00
Theresa Trass	April 18, 1893	443 Fifth street	150 00
Catharine Van Orden	August 10, 1864	Mount Ivy, N. Y.	300 00
Mary Jane Van Tasel	November 11, 1887	321 West Eighty-fifth street	300 00
Carrie A. Verity	October 1, 1888	Seaford, S. I.	300 00
Jane A. Van Ranst	March 1, 1889	152 Prospect street, Brooklyn	300 00
Susan Van Dusen	December 3, 1889	546 Seventeenth street, Brooklyn	300 00

Phoe Vermilye	May	15, 1891	918 Madison street	180 00
Delia Voke	July	29, 1892	207 East Eighty-second street	240 00
Mary E. Van Orden	April	18, 1893	3 West 103d street	180 00
Eliza Williams	October	13, 1892	Stillwater, N. Y.	200 00
Sarah Wood	December	16, 1899	1387 Pacific street, Brooklyn	300 00
Catharine E. Wooldridge	January	1, 1876	White Lake, Sullivan county, N. Y.	300 00
Susan E. Wilson	November	1, 1879	420 West Thirty-fifth street	300 00
Mary A. Wells	December	17, 1878	Sheffield, Mass.	300 00
Catharine Whalen	August	9, 1880	19 West Ninety-ninth street	300 00
Lizzie Walsh	January	3, 1882	78 De Graw street, Brooklyn	300 00
Johanna White	July	7, 1883	314 East Seventy-first street	300 00
Mary F. Ward	July	1, 1883	Nanuet, Rockland county, N. Y.	300 00
Francis C. Whitcomb	July	1, 1884	771 Madison avenue	300 00
Mary T. Ward	November	13, 1884	73 King street	300 00
Elizabeth Walker	February	7, 1885	97 Wierfield street, Brooklyn	300 00
Dorette Wohlman	March	11, 1885	Liberty, Sullivan county, N. Y.	300 00
Sophie Wynne	July	1, 1885	Died January 26, 1893	21 66
Rebecca Walsh	October	1, 1885	1172 Tinton avenue	300 00
Rhoda G. Walmsley	November	7, 1885	491 Putnam avenue Brooklyn	300 00
Nora McCarthy, guardian, one child	February	8, 1886	.....	150 00
Mary Welsh	April	30, 1886	1145 Jefferson avenue	300 00
William J. Howard, guardian, one child	July	1, 1886	One expired December 13, 1893	177 06
Lydia White	May	7, 1887	707 Columbus avenue	300 00
Mary Jane Wilson	February	12, 1888	319 East Sixty-fifth street	300 00
Kate Whalen	February	20, 1888	343 East Eighty-first street	300 00
John K. Wheeler	February	27, 1888	10 St. Luke's place	300 00
Lena Willow	January	15, 1889	641 East 124th street	300 00
Jennie Nelson, guardian, two children	July	1, 1890	201 East Twelfth street	120 00
Mary Ann Walker	July	1, 1891	49 Downing street	180 00
Sarah Welsh	August	15, 1891	306 West Twenty-fifth street	300 00
Catharine Walsh	October	28, 1892	306 East 121st street	240 00

NAMES OF WIDOWS AND GUARDIANS PENSIONED — (Concluded).

WIDOWS AND GUARDIANS.	Pensioned.	Residence.	Amount.
Sophia Williams	January 6, 1893	591 Grand street.	\$200 00
Mary E. Whaling	January 6, 1893	391 Grand street.	200 00
Mary E. Walling	October 17, 1893	Keyport, N. J.	50 00
Sarah Young	October 1, 1885	Died February 1, 1893.	39 02
Mary Zwickert	October 1, 1890	611 Bergen avenue	180 00
<hr/>			
Counterfeit money returned by bank			12 00
Martin B. Brown, for stationery			97 50
Officer Williams, Twenty-ninth precinct, advance pay for 1892			81
Officer Sullivan, Seventh precinct, advance pay for 1892			27
Officer Gies, Twenty-ninth precinct, advance pay for 1892			1 37
Officer Fitzgerald, Twenty-second precinct, advance pay for 1892			1 37
			<hr/>
			\$565,485 74

RECAPITULATION OF DISBURSEMENTS.

Retired officers	\$450,573 75
Widows and orphans	112,798 67
Sundries	113 32
	<hr/>
	\$563,485 74
	<hr/>

Total amount of receipts, including cash on hand, January 2, 1893	\$627,948 75
Total amount of disbursements for the year 1893,	563,485 74
	<hr/>

Cash on hand, January 2, 1894, Bowery Bank, \$64,463 01

During the year 1893 the board of police retired and pensioned:

105 officers, drawing in the aggregate.....	\$64,760 00
27 widows and three orphans, drawing in the aggregate	6,900 00
	<hr/>
	\$71,660 00

During the year the following were stricken from the fund:

39 ex-officers, drawing in the aggregate, \$23,400 00	
10 widows and 10 orphans drawing in the aggregate.....	3,964 00
	<hr/>
	27,364 00

Amount added to the fund during the year.. \$44,296 00

There are at this date living beneficiaries of the fund, 760 retired officers, 387 widows and 29 guardians, representing 47 orphan children, making a total of 1,194, drawing in the aggregate \$584,747.

Which was ordered on file.

The president laid before the board the following communication from the mayor:

City of New York, Office of the Mayor,
February 6, 1894.

To the Honorable, the Board of Aldermen:

I am directed by the mayor to transmit to you the report of the examination of the accounts and vouchers of the chamber-

lain's office for the statutory year, ending November 30, 1893, made by the commissioners of accounts.

Respectfully,

W. H. McDONOUGH,

Confidential Clerk.

Office of the Commissioners of Accounts,
Rooms 114 and 115, Stewart Building,
New York, January 31, 1894.

Hon. Thomas F. Gilroy, Mayor:

Sir.—In compliance with the requirements of section 164 of the New York Consolidation Act of 1882, we herewith transmit a report of an examination made by us of the accounts and vouchers of the chamberlain's office of the statutory year ending November 30, 1893, and our certificate with reference thereto annexed.

The law requires that such report shall be made "to the mayor and common council."

Very respectfully,

CHARLES G. F. WAHLE,

EDWARD OWEN,

Commissioners of Accounts.

Office of Commissioners of Accounts,
Rooms 114 and 115, Stewart Building,
New York, January 30, 1894.

Pursuant to the provisions of section 164 of chapter 410 of the Laws of 1882, as amended by section 1, chapter 78 of the Laws of 1885, the commissioners of accounts do hereby certify and report to the mayor and common council that they have examined the accounts and vouchers (with the exception of five (5), as follows: "B" 1495 and 5604, "A" 7592, 7593 and 12664 missing in the office of the comptroller) of the city chamberlain, for the year ending November 30, 1893, and find therefrom as follows:

The balance in the treasury to the credit of the city treasury accounts, at the close of business, on the 30th day of November, 1892, was. . . \$3,426,847 43
The amount of money received in the treasury to the credit of the city treasury accounts, during

the year ending November 30, 1893, was, as per statement "A," hereto annexed:

Special and trust accounts	\$35,066,631 52
Appropriation, general fund and taxes accounts,	34,575,584 47
The amount paid out of the treasury to the debit of the city treasury accounts, during the like period, was:	
Special and trust accounts	33,481,475 95
Appropriation, general fund and taxes accounts,	37,531,395 58
The balance that remained in the treasury to the credit of the city treasury accounts, at the close of business, on the 30th day of November, 1893, all of which are contained in the statement, marked "A," hereto annexed, was....	
	<u>2,056,191 89</u>

Mr. Moss.—I think we may dismiss these retired policemen.

Chairman Lexow.—Your attendance is no longer necessary, and those subpoenaed as retired officers need not attend again. All other witnesses not subpoenaed as retired officers must attend here again at 3 o'clock this afternoon. The committee will stand adjourned until that time.

AFTERNOON SESSION.

December 12, 1894.

Present.—Senators Clarence Lexow, Daniel Bradley, Edmund O'Connor and Culvert W. Pound.

Counsel, as before.

Thomas Mulvey, a witness called on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. You live in Brooklyn, don't you? A. Yes, sir; at the present time.

Q. You were formerly a police officer in New York city? A. Yes, sir.

Q. And you are the gentleman we talked of this morning, I think; you are retired in New York city, are you not? A. Yes, sir.

Q. When did you retire? A. A year ago last October.

- Q. What was your rank? A. I was a detective sergeant, sir.
- Q. What pension do you get? A. One thousand dollars.
- Q. One thousand dollars a year? A. Yes, sir.
- Q. You are in good health? A. Yes, sir.
- Q. How old are you? A. Forty-six years old, I think.
- Q. You went to Brooklyn and applied for an appointment on the Brooklyn force, didn't you? A. Yes, sir.
- Q. And were appointed? A. Yes, sir.
- Q. When were you appointed there? A. I was appointed some time, I think, in October; I can not be sure about the date at the present time, sir.
- Q. Are you now doing duty in Brooklyn? A. Yes, sir.
- Q. Where are you stationed? A. At the Twenty-fifth sub-precinct; that is a place called Bath Beach.
- Q. What is your rank in that force? A. I am now at the present time patrolman, detailed to detective duty; I went there as a captain, but the town was merged into the city of Brooklyn.
- Q. You were a captain under the old government? A. Yes, sir.
- Q. New Utrecht? A. Yes, sir.
- Q. Captain of police in New Utrecht? A. Yes, sir.
- Q. And then went into the police force when you became merged into Brooklyn? A. Yes, sir; I was reduced to a patrolman; had to go in as a patrolman.

By Senator Bradley:

- Q. What salary do you receive now? A. Nine hundred dollars a year.
- Q. You are not what is classed as a detective sergeant now, are you? A. No; I am classed as a patrolman; draw a salary of \$900 a year.
- Q. Doing patrol duty? A. Yes, sir.
- Q. Who has charge of the precinct? A. An acting captain by name of Corwin; you asked me if I am doing patrol duty; I am ranked as a patrolman, doing duty as a detective.
- Q. You rank only as a patrolman? A. Yes, sir.

Ralph M. Hyde, recalled, further testified:

By Mr. Moss:

- Q. You are manager of Tiffany's establishment on Broadway?
- A. I have general charge.

Q. Have you any police officers doing duty in your store now?
A. We have.

Q. Who are they? A. Their names are Titus and Crouch.

Q. Those are Central office detectives, are they not? A. Central office detectives.

Q. Titus is a detective sergeant? A. Detective sergeant.

Q. How did you come to have those men there? A. We applied to the commissioners of police to have two men detailed during the holiday season to protect the public as well as ourselves against pickpockets and other derelicts.

Q. How long have you had men detailed from police headquarters to your store? A. Oh, for many years.

Q. They do duty inside of the store? A. Inside.

Q. Not on the street at all? A. Not on the street.

Q. And remained in the store all day? A. All day.

Q. During your business hours? A. They do; from the time we open until the time we close.

Q. Did you ever speak to the superintendent of the police about the arrangement? A. I think I have.

Q. What superintendent? A. Superintendent Byrnes.

Q. When did you have your conversation with him? A. Well, I should think it was fully three years ago.

Q. Will you tell us what it was? A. Well, we asked whether we could have men detailed for this purpose, and he told us to write to the commissioners of police, making our request and they would comply, which we did.

Q. Do you pay any money for the services of those officers?
A. We pay the salaries of the men; we are notified by the commissioners that we will be obliged to pay their salaries for the time, their official salaries, which we do, by sending a check to the commissioners of police.

Q. Have you any memoranda about you showing those payments? A. I have; that is for last year (witness handing counsel paper).

Mr. Moss.—I read from this memoranda handed in by Mr. Hyde as follows: "Tiffany & Co. To police department, city of New York, December 9, 1893. Salaries of Officers Wade and Woolrich, \$85.46."

Q. Those are the officers you had last year? A. Last year.

Q. And attached to that is a receipt from the police department of the city of New York of the same date for \$85.46 for payment of salaries of Officers Wade and Woolrich, each, from

December 11th to December 23d, both dates inclusive; did that cover their entire stay with you? A. It did.

Q. They didn't stay after December 22d? A. They didn't.

Mr. Moss offered the paper in evidence, and it was marked Exhibit No. 7 of this date.

(The witness handed counsel another paper.)

Q. This is dated December 25, 1893: "Tiffany & Co., to Woolrich and Wade, Dr., detective sergeants, \$100?" A. Yes, sir; that is a memorandum attached.

Q. And attached to that is "Expenses \$100, paid to detective sergeants, Woolrich and partner, \$100, December 23, 1893, R. M. H.;" what is that? A. Those are my initials.

Q. What does the memorandum mean? A. This means that being in our employ at that time and looked upon as part of our force, and as we are in the habit of giving all our employes a present at that time, we include those men.

Q. You looked upon those men as your employes because you were paying their salaries to the city? A. That is the way of it.

Q. They were under your direction? A. They were.

Q. Received their orders from you? A. They did.

Q. And did as you asked them to? A. They did.

Q. And at the end of the holiday season you gave to each of these officers \$50 for himself? A. Yes, sir.

Q. And he kept it for himself? A. Yes, sir.

Q. That was last year? A. That was last year.

Mr. Moss.—Your honors will notice the report I read this morning, the report of the police pension fund, which showed only \$5 turned in as a donation on account of rewards. These are Officers Wade and Woolrich.

Q. You have had this arrangement for a number of years, have you not? A. Yes, sir.

Q. And paid \$50 to each officer? A. There was no pre-arrangement.

Q. Did taking the men as a part of your own force cause you to pay them? A. Yes, sir.

Q. You treated them as you do all other employes? A. Just the same.

Q. Give him his present at the close of the season? A. The same as the others.

Q. You have done that for a number of years? A. A number of years.

Q. Will you state the names of other officers who have received this donation? A. I think Titus has been with us before, and Woolrich has been before; I can not recall now without looking at my memorandum, but we have had two every year; I could very easily ascertain.

By Senator Bradley:

Q. For how many years? A. For —

Q. Nine or 10 years? A. Well, I should say six or eight anyway.

By Mr. Moss:

Q. Did you ever have Mr. Heidelberg? A. We never had.

Senator Bradley.—Mr. Moss, wouldn't it be well to see if the treasurer of the department has given credit to the city for these amounts of money which have been paid?

Mr. Moss.—I notice that the receipt which I have read appears to be an official receipt. We will investigate that. This is in line with the testimony of the witness yesterday whose salary had been paid by the Park Bank, and it seems to be a peculiar arrangement. I do not know of any law which permits the police department to hire out its employes and to receive their salaries, even from stores or banks or other institutions. Of course, that does not affect Mr. Hyde in any way.

Senator Pound.—Is there any evidence of misappropriation of the money which was so received?

Mr. Moss.—There is no evidence now, nor have I any in mind, of the misappropriation of the salaries. That I will investigate further.

Senator Bradley.—In 1877, I introduced a bill and had it passed requiring parties when availing themselves of the services of officers to pay the city the amount of their salaries, such as picnics, excursions and the like. I introduced that bill and had it passed myself.

Mr. Moss.—Is that law in force now?

Senator Bradley.—I had it passed in 1877. It is a general act. I know I had it passed in the interest of the city of Brooklyn, anyhow.

David M. Williams, a witness called on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. What is your business? A. Drygoods.

Q. You have a very large drygoods store at the corner of One Hundred and Twenty-fifth street and Third avenue, haven't you? A. Not very large.

Q. Well, you may be modest; I think it merits that remark; have you any police officers doing duty at your store? A. No, sir; not that I know of.

By Senator Pound:

Q. Wouldn't you know of it, if you had? A. I think I would; yes, sir; I don't know of any.

Q. You are somewhat informed in regard to your business? A. I haven't been informed in regard to any.

Q. You know your clerks and your employees? A. Yes, sir; I can not tell always, but I may have; if a person comes in and tells me that he wants a position I can not tell whether he is on the police force or not.

By Mr. Moss:

Q. You have had police officers at your store during the Christmas holidays before this year, haven't you? A. I don't know of any, except one; that is all.

Q. Who was that? A. Mr. Phillips, Officer Phillips.

Q. When did you have him? A. I can not tell you; it must be four years ago, four or five.

Q. How did you come to have Officer Phillips? A. Well, I believe that he asked to be relieved for a week or a few days.

Q. Asked to be relieved from headquarters? A. I don't know from headquarters or from the precinct, from the station-house.

Q. He asked to be put on leave of absence and to come to you? A. And to come to me.

Q. Did he come to you? A. Yes, sir.

Q. How long did he serve? A. I can not tell; about a week's time; not any more.

Q. Who did you pay for his services? A. I can not tell that; I paid him, I think, whatever was paid.

Q. Did you pay Officer Phillips? A. Yes; just paid him for his services.

Q. How much did you pay Officer Phillips? A. I can not tell that.

Q. What has been your custom in paying for detective work during the holidays? A. I have been accustomed ever since that and before that to take outside parties that come in and apply for a position; if we think they are likely to be capable we take them in, the same as we did this year.

Q. Have you not refused some applications this year? A. Well, I think we have; I think more have applied than we have been able to take in.

Q. What reason have you given for your refusal? A. Having enough.

Q. Did you not say to one or more of these applicants that you had made your arrangements with police headquarters this year? A. No, sir.

Q. I want you to tell us your conversation with Inspector Conlin with reference to detective help at your store during these present and approaching Christmas holidays? A. I haven't had a word of conversation with Inspector Conlin in regard to it.

Q. What conversation has anyone had, respecting your house, with Inspector Conlin? A. I don't know so far as I know.

Q. You are speaking of your personal knowledge? A. Yes, sir.

Q. Your establishment is a pretty large establishment and there are other people who have more knowledge of the details than you? A. Not very much more; no.

Q. Who has charge of the hiring of detectives and such work as that? A. Well, I have had more to do than anybody else in regard to that, and when I make my arrangement with a party I turn the party over to another gentleman.

Q. What detectives have you at the store now? A. I have six.

Q. Who are they? A. Three men and three females.

Q. Who are the men? A. E. McMahon, for one.

Q. Who is McMahon? A. McMahon, I believe that he was in Inspector Conlin's precinct, and I have known him a good many years around One Hundred and Twenty-fifth street, and I think the reference he gave me was from Mayor Gilroy's office, that he had been there; that is the way that I came to take him; he referred to Mayor Gilroy and also referred me to Inspector Conlin, and I never referred to either one of the two because I have known Mr. McMahon by sight for several years.

Q. Mr. McMahon has been on the police force? A. I believe he has.

Q. Are you sure that he is not a policeman now? A. He says he is a retired policeman.

Q. You got that reference from Mr. Gilroy and Mr. Conlin? A. I didn't get them, but he referred me to Mayor Gilroy and Inspector Conlin.

Q. Now give us the name of another man? A. Well, I can not tell you the name of the other man, but he is a police officer.

Q. You hired him? A. Oh, another man?

Q. Another man in your force? A. Milliken.

Q. Who is Mr. Milliken? A. He has been with us three years, and my brother, who is in Europe now, hired him the last two years, and I found him to be a capable man as far as I know.

Q. Is he on the police force? A. Not as far as I know.

Q. Was he ever on the force? A. Not as far as I know.

Q. How did you get him, entirely through your brother? A. Yes; entirely through my brother.

Q. What is the name of the other man? A. My man there has his name.

Q. You may talk with him and get his name? A. (After witness conferred with his clerk) Delamater.

Q. Well, he is a police officer? A. I don't know that he ever was on the police.

Q. What do you know about him? A. He was recommended by Captain Brooks.

Q. Captain Brooks is the captain of that precinct, isn't he? A. Yes, sir; that is right; I asked Captain Brooks if he knew of anybody that he could recommend to me that could come in for a couple of weeks or three weeks, before the holidays; and it took him a week or nine days before he took any action; sent me word that he had a man that he thought would suit me; I put him in, and his name is Delamater.

Q. Have you made any inquiries about what that man was doing before? A. No, sir; I haven't; he said that he could thoroughly recommend him to me.

Q. Very responsible position in your store there; lots of fancy articles? A. I took his word for that.

Q. You took Brooks' word? A. Yes, sir.

Q. But you haven't investigated Delamater? A. No, sir; I haven't investigated him.

Q. Do you know his first name? A. I have his initial there.

Q. Do you know where he lives? A. No; I do not.

Q. Is he a married man? A. I don't know either whether he is a married man or not.

Q. Has he ever been employed in the city? A. I don't know.

Q. How about the man McMahon that Conlin recommended; is he a married man? A. Inspector Conlin didn't recommend McMahon.

Q. Well, he referred to Inspector Conlin; is he a married man? A. I believe he is, but I am not sure.

Q. Do you know where he lives? A. I believe he lives in One Hundred and Eighteenth or One Hundred and Nineteenth street.

Q. Did you make any investigation about him? A. I haven't, except that I have known him for a good many years; that is, I have known him around a good many years, and I took him in at his own wishes.

Q. Who do you pay for the services of those men? A. Who do I —

Q. Who do you pay for the services of those men? A. Counselor, I don't understand you exactly.

Q. Don't you pay for that; don't you pay for their services? A. Yes.

Q. Who do you pay? A. To themselves.

Q. How much do you pay? A. Different prices; just as I arrange.

Q. What have you arranged? A. I have arranged different prices, from \$15, \$20 and \$25 a week.

Q. Who gets \$25? A. Well, I don't believe there is either of the men gets that, but two of the women or three of the women get \$25.

Q. Three of the women get \$25; but what do the men get? A. Two get \$20 and the other \$15.

Q. Who recommended the women? A. One of the women is Mrs. Irving; she recommended herself to a certain extent, and more than anybody else; she says that she is ex-Detective Irving's wife, and that she is in that business, and she recommended her partner that she has got there in the store.

Q. Did you get any recommendations from police officials for them? A. She also referred me to Inspector Williams, Inspector Conlin, Captain Brooks and others, and I sent down in regard to her, and none of them knew her personally but had

known of her and her husband; I believe that one or two—I am not certain—told this party that she was a very smart woman, and that he thought she would suit us; that is the reason I took her in.

Q. Mr. Williams, it has come to us upon very reliable information, information that we have never doubted—the source has always proved reliable—that you arranged for these detectives, or some of them, with Inspector Conlin; you are an intelligent man, and I put the question plainly to you, and I propose to put you on the record? A. That is right.

Q. What conversation did you have with Inspector Conlin? A. Not a word.

Q. Concerning the employment of detective help during this season? A. Not a word, sir.

Q. Not a word? A. No, sir.

Ettie Kelter, a witness called in behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. You are a married woman, are you not? A. Yes, sir.

Q. Where do you live? A. Ninety-six Carleton street.

Q. In this city? A. Yes, sir.

Q. How long have you lived there? A. Since the 20th of August last.

Q. Since the 20th of August last? A. Yes, sir.

Q. Prior to that where did you live? A. In Albany.

Q. How long did you live in Albany? A. About 16 years.

Q. Where did you live there? A. The last place I lived there was 96 Grand street.

Q. When were you married? A. In August, four years ago.

Q. You have always borne a good character, have you not? A. Yes, sir.

Q. Good reputation? A. Yes, sir.

Q. An honest woman? A. Yes, sir.

Q. Please tell us what happened to you on Saturday night, the 29th of September? A. I went out to do some shopping, and not being acquainted in the city I lost my way.

Q. What hour was it? A. It was about 8 o'clock; not any later.

Q. Eight in the evening? A. Yes, sir.

Q. You lost your way? A. Yes, sir; and I walked along and I noticed that I was going out of my way; and I met a gentleman and asked him if he would be kind enough to direct me to the corner of Charlton and Hudson streets; when I got there I knew where to go; the gentleman went one way, and I started, turned around, to go the other way; he said, "Madam, come back, you are going away from the place all the time;" so I turned and went back, and I walked a few steps when a young man walked up to me and tapped me on the shoulder and said, "You must come with me;" I said, "What must I go with you for?"

Q. Have you told all the conversation up to that point; that is all that happened? A. That is all.

Q. Now, the young man said, "Come with me"? A. Yes, sir; and I asked him, "What will I go with you for?" and he laughed and said, "Just for fun;" so I kept walking along and he grabbed hold of my arm, as hard as I could hold it, and dragged me along like, and he brought me into the station-house.

Q. What sort of violence did he use; can you illustrate it? A. Just held my arm, and I didn't walk fast enough; he dragged me almost.

Q. Hustled along the street and pulled you? A. Yes, sir; then when I went in there I saw the police captain, and I then saw that I had — I thought that I was arrested.

Q. Where was that station-house? A. McDougal street, I think it is; I cried there and asked him to let me go home; I said, "You are making a mistake;" he said, "No; I am not making a mistake;" he said, "I know you of old; I have known you for years;" I said, "You couldn't have known me for years; I am a stranger in New York city;" they talked a while; I don't know what he said to the sergeant or captain; I don't know what he said, because I cried and I thought they would let me go home, as I thought he was going to let me go home; he took hold of my arm, and brought me to another station-house.

Q. Where was that? A. In Mercer street; I asked him why he brought me there; I asked the captain why I got there, to let me home; he said, "No; they sent you from the other station-house here;" and he said, "I have got to keep you;" he said, "We have a lady matron here and they have none in the other;" so they put me in a cell, and after a while they locked up another woman with me.

Q. What kind of a woman was locked up in the cell with you?
 A. Well, she was a woman; I don't know what she was; I couldn't very well say what she was.

Q. A woman of doubtful character? A. Yes, sir.

Q. From her own statement, as I understand? A. Yes, sir.

Q. What happened to you in the cell; I understand you took sick? A. I cried and cried, and had a hemorrhage from the nose and lungs, both.

Q. What caused that? A. The excitement, I suppose; I don't know of anything else.

Q. And the pulling and hauling you got? A. I am of a very nervous disposition, and the fright of that —

Q. You had been pulled and hauled around by the officer?
 A. Yes, sir; before I get to that, on my way from one station-house to another, he pulled me so, and said I was not walking fast enough; I said, "I am walking fast;" he said, "If you don't walk fast I will call a wagon and chuck you into it;" those are the words he used.

Q. Did you try to have help when you were taken with this hemorrhage? A. Yes, sir; this woman that was in the cell with me, she beat on the door with a tin, kept beating almost all night; she was afraid I was dying; and no answer came, not until morning; not until the policeman came to take them to the police court.

Q. Was there blood over you in the cell? A. There was blood all over the floor; I bled from the mouth and nose both; then in the morning they took me to the court-room — I don't know very well how to express it —

Q. Jefferson Market court? A. Yes, sir; Jefferson Market court; there where they have the prisoners in; I first had a faint, and then it was almost like a fit or more than a fainting spell; the excitement; my hands were all crippled up and I suffered terribly for about two hours; then when he came in after me, he had to take me, the other officer — he was not an officer in policeman's clothes when he arrested me, nor he was not then.

Q. Did you learn his name? A. No; I didn't.

Q. I understand that his name is Thomas B. Burke; do you know anything about it? A. No; I don't know his name; that is all I knew of it.

Q. In whose company were you put in the court; you were put with other people, weren't you? A. Yes, sir.

Q. What kind of people? A. Oh, every kind; colored and white.

Q. People of disreputable character? A. Yes, sir; colored and old and drunk and everything together; they were all together; they wouldn't let me out; I wanted to get outside, but they wouldn't let me out until he came.

Q. Had you tried to send for your husband? A. Not then I hadn't, because I didn't think they would let me; I thought I would get home before he would get home, because he is not home every night; he is on the river.

Q. Being unable to be relieved from your hemorrhage, of course, you couldn't send for your husband anyhow? A. No, sir.

Q. No one came to help you under those circumstances; were you advised what to do by one of the girls with whom you were placed in the court; were you advised anything about employing a particular lawyer? A. Oh, yes; that was on Monday morning; Sunday afternoon, and on Monday morning; that was after I was sentenced.

Q. Let us stick then to the story and see what transpired that day, Sunday morning; what was the rest of it; you were brought up before the judge? A. Yes, sir.

Q. What happened then? A. I don't know; I couldn't hear what charge he made.

Q. What judge was it? A. Judge Hogan; I couldn't hear just exactly what he said; even if he did speak loud, I couldn't hear, because I was so excited.

Q. What was done with you? A. He said he would give me two months on the island and \$300 bail for good behavior for two months.

Q. What did you say to the judge? A. Why I asked him if he would be kind enough to listen and I said as best I could; I said, "I am a stranger here; I lost my way;" I tried to tell him; I said, "I have never been arrested before; I lived 16 years in Albany and have never been arrested and I do not belong here; how could it be that the man knows me for over a year, when I haven't been here;" I said that I can bring up hundreds that I haven't been in New York; only went through here 16 years ago with my mother.

Q. Did you speak of your husband to the judge? A. Yes, sir; I told him I was a married woman; he said something about soliciting; I said, "I don't understand what that means,"

I said, "I have a husband to support me; I never did go on the street to make my living and I do not intend to go now;" I said, "I lost my way; this man has made a mistake;" he wouldn't listen any more; I had to go out.

Q. Then what transpired after you were sentenced; were you advised to employ a lawyer? A. Yes, sir; when I went out, then I said, "What will I do; how can I send for my husband;" so this man that arrested me came up and said, "I will go myself for him;" that was on the way as they were sending me upstairs; the matron was at the head of the stairs, and there was a man standing at the head of the stairs, and he said, "Lift your veil;" and I did, and he looked at me, and I passed upstairs; and he did go himself then, that same officer; he went that afternoon and he told my husband that he wanted to know if he was married to me, and he said, "Yes;" he said, "Now, you have a good chance for divorce; I arrested her last night, and she has got two months on the island;" those are the very words he said when he first went to see my husband.

Q. Did your husband come to see you? A. Yes, sir; he came twice that day, but he couldn't see me.

Q. They wouldn't let him see you? A. No, sir; not until 10 o'clock Monday morning, and before 10 o'clock Monday morning they sent me away.

Q. Were you sent to the island? A. Yes, sir.

Q. Were other girls sentenced for soliciting at the same time? A. Yes, sir; there were two there; one got sentenced to three months; it was she that gave me the lawyer's card.

Q. What was the lawyer's name? A. King.

Q. What was the arrangement? A. She should give him \$20; and he would get her out without going to the island at all.

Q. Did she go to the island? A. No, sir; she didn't.

Q. She gave the \$20, and she didn't have to go to the island? A. Yes.

Q. And you didn't give the \$20, and you had to go? A. Yes, sir; I did.

Q. Did that girl tell you what her habit of life was? A. No.

Q. How she got her living? A. No; she didn't exactly say what it was, but she gave me to understand.

Q. You understood that she was an improper person? A. Yes; and she was young; she was no more than 17 years old.

Q. How long did you stay upon the island under that sentence? A. I think I was 24 days entirely away from home; as near as I can think it was 24 days.

Q. You were sentenced for two months? A. Yes, sir.

Q. How did you get out before the end of the two months? A. Well, my husband had to pay \$15 to Judge Hogan, I think; I think it was to him it was paid—\$15.

Q. It was the clerk; wasn't it? A. Well, it was between the two of them.

Q. Some one in the court at any rate? A. Yes, sir; \$15; put in an envelope and handed to the judge.

By Senator Pound:

Q. Did you see it handed to the judge? A. No, sir; but my husband said so.

Senator Pound.—If you don't know, don't say so, and Mr. Moss will bring the husband here.

By Senator Bradley:

Q. What time of the evening or night were you arrested? A. About 8 o'clock.

Q. And you mean to give us to understand that from 8 o'clock in the evening until morning until you were taken out of the cell, you never were visited by the matron? A. Yes.

Q. But you say the girl in the room knocked? A. Yes; but that was after 10 o'clock.

Q. Well, from 10 o'clock did you see her? A. No; not until morning, unless when somebody was put in the cell.

Mr. Moss.—The blotter shows that the arrest was made at 8:45.

Senator Bradley.—From 10 o'clock until she was taken out of the cell she never saw the face of the matron?

By Mr. Moss:

Q. You are living with your husband now; are you? A. Yes, sir.

Q. And living happily with him? A. Yes, sir.

By Senator Bradley:

Q. What did you say your husband was employed at? A. Fireman on the river, on a ferry-boat; he runs from Battery to Ellis Island; the emigrant ferry-boat.

Q. Were you married when you lived in Albany? A. Yes, sir.

Q. Is your husband an Albanian? A. Yes, sir; he was born in Albany.

Q. Did you make an effort to send a letter out to your husband? A. Yes, sir.

Q. For that purpose you needed some paper? A. Yes, sir.

Q. How much did they want for the paper? A. Five cents for a sheet of paper.

Q. Who asked that? A. One of the women that is in with the matron.

Q. Some woman in the station-house? A. Yes, sir; she is with the matron; I think she waits on her.

Q. Was that in the station-house or the court? A. In the market upstairs where the prisoners were.

Q. You didn't have five cents? A. No, sir; all I had was two and they wouldn't give me a sheet of paper for that; I asked for half a sheet and they wouldn't give it to me; he was downstairs and I wanted to send it downstairs; a message I couldn't send out, because they wanted 50 cents for any message; no matter how near.

Q. Who asked you that? A. The boy.

Q. What is his name? A. Jimmy; I heard them call him.

Q. He is in the Jefferson Market court? A. Yes, sir; a messenger there.

Lorenz Bayer, a witness called on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. You put in a protest against the granting of a license in the neighborhood near your store, didn't you? A. Yes, sir.

Q. Where was the saloon? A. The northeast corner of Twenty-fifth street and Seventh avenue.

Q. What was the character of the place? A. The character of the place is prostitutes, thieves and low characters in general.

Q. That place is near your store and you, yourself, observed the character of the people that went in, did you not? A. Yes, sir.

Q. You knew them? A. Yes, sir.

Q. And you had witnesses to their character and to the kind of saloon that was kept there? A. Yes, sir.

Q. To its bad character? A. Yes, sir.

Q. When did you put that protest in before the excise board?
A. September 6th.

By Senator Bradley:

Q. This year? A. Eighteen hundred and ninety-four.

By Mr. Moss:

Q. September 6, 1894? A. September 6, 1894.

Q. What was the result of the protest; was the license broken?
A. No; I have to make an explanation.

Q. The license was broken there, wasn't it? A. The license was broken by my complaining to Superintendent Byrnes.

Q. Exactly; when was that license broken? A. On the 29th of August last.

Q. The 29th of last August the license was broken absolutely?
A. Absolutely.

Q. Did the saloon close up? A. Yes, sir.

Q. Then you filed another protest, did you not? A. Then I filed a protest on the 6th.

Q. Is that a copy of it (paper shown witness)? A. That is a copy of it.

Mr. Moss.—I will read it:

"September 6th. To the Honorable Board of Excise of the City and County of New York: Gentlemen.—The license that you revoked on August 29, 1894, on the premises 263 Seventh avenue, also known as the House of All Nations, The Devil's Dive and the Black Cave, I hereby notify your honorable board personally that I protest against the granting of a new license to any person on the ground the house was always a dive of the worst character, patronized by all sorts of thieves, characters and prostitutes for the last five years, as you have heard the evidence given before you by its last owner, Joseph Meyer. Respectfully yours, L. Bayer."

Q. In this protest you speak of the evidence that had already been given before the excise board and on which it had already broken that license; didn't you? A. Yes, sir.

Q. Do you know that the protest was actually filed with the excise board? A. It is filed with the application.

Q. And is there now? A. It is there now.

Q. Was a license granted to that place again? A. A license was granted just the day before Thanksgiving day last.

Q. Was any notice given to you that an application was pending? A. No, sir; nothing whatever.

Q. Notwithstanding your protest? A. I never got any notice to appear before the excise board whatever.

Q. So that a place in which the license had been broken, because of its very bad character, and where a saloon had actually been closed, and where you had put in a standing protest on account of its general bad character, a new license was granted and the place opened up again without any notice to you to come forward and substantiate your protest; is that right? A. That is correct.

Q. When you found out that the place had been relicensed, what did you do? A. I went down to the excise board.

Q. Who did you see? A. I saw President Dalton.

Q. William Dalton? A. William Dalton; I said, "Mr. Dalton, the license you broke; you and the rest of the excise commissioners without leaving your chairs; there is a new license granted on that corner, and colored prostitutes go in and out as before."

Q. You know that yourself; you have seen them? A. Why, I have witnessed now in the new case; "Why," he says, "I don't know anything about the protest;" says I, "Mr. Dalton, I brought it here personally myself in the presence of two witnesses;" he said, "Who did you hand it to;" "Why," said I, "Mr. Murphy, who was present."

Q. That is one of the commissioners? A. One of the commissioners; he said, "Well, go and see Mr. Murphy;" I went in his room, and saw Mr. Murphy; I said, "There is a new license granted at 263 Seventh avenue, and why didn't I get notice to come here with my witnesses before you granted the new license on my written protest, when I got the duplicate here in my pocket;" "Why," he says, "I don't know anything about a protest;" "Well," says I, "Mr. Murphy, I want to see that application and who has got that license, and I would like to see if my protest is with the application or not;" "Well," he says, "you go and see Bishop."

Q. Bishop is the secretary? A. The secretary; says I, "You handed it personally to the secretary when I filed it here;" well, I went to see Secretary Bishop and he got another gentle-

man to get the application, and there was my protest; then I said to Mr. Dalton, "Now, Mr. Dalton, here is the protest; will you admit it is here;" he said, "Yes;" "Why," said I, "didn't you give me notice that I could come here with my witness and give me time to investigate the character of that man what has got the license now;" "Well," he says, "what will you do about it; that man has a good character and you don't want to keep a man out of bread and butter;" "Now," says I, "I ain't no temperance; I don't want to keep a man out of bread and butter, but where the place is a dive for the last five years, I should smile," says I, "that you had no right to grant a license without giving an honest citizen a hearing;" "Well," he says, "you better go to court;" I says, "Mr. Dalton, what will I do in the court;" "Well," he says, "you can do nothing;" just as much as to say, go to the devil; I said, "All right."

Q. You mean his appearance and his actions indicated that? A. Yes; his actions entirely; I said, "Mr. Dalton, if you refuse to do that, I might have to go before the grand jury;" I said, "I have witnesses now that the first day it is open there is colored prostitutes goes in and goes in them boxes with white men and go out with them together;" "Well," he says, "that man has an honest character;" I was not in my place of business a half an hour —

Q. Is that all the conversation you had with Dalton? A. That is all the conversation; he told me to go to the court or go where I felt like it; I could do nothing.

Q. What was his manner when he told you that? A. Well, he acted like a gentleman, but he acted severe, you know, like a gentleman.

Q. Like a severe gentleman? A. Yes; I was not half an hour in my place when a carriage stopped before my store and who came in but Peter Buckel.

Q. Who is he? A. I don't know if he is interested in the Bavarian Star Brewery in Eighteenth street; he came in, and says, "Mr. Bayer, I have to see you;" he says, "Don't be severe about that place;" he said, "I appear from the same lodge like you, and you do me a brotherly act; we have \$4,000 invested in that corner, and we have a dummy in there, and we would like to sell that place and get our money out and so as soon as we get our money, you do as you please;" then I said, "You got the license;" he said,

"Most undoubtedly;" then I said, "Mr. Buckel, when it comes about that you call me in that way as a brother of the fraternity; I throw that on the side, if you were my own father; where my daughters can not go in the front windows, or my wife or anybody in the neighborhood, to see how that dive is run all together, I have to take steps;" "Well," he says, "Who are your lawyers?" I said, "You need not know my lawyers;" but I said, "If you want to know my lawyers; I have Mr. Moss from the Parkhurst Society;" "Why," he says, "if it comes that far to him why then the brewers all close up;" "Oh, no," says I, "the brewers don't close up;" says I, "Peter Buckel, let me tell you one thing, you can not influence me; you say you got the license; if you keep a decent place, and the first opportunity I see any colored one go in I will call the police on the beat, and have an arrest made;" but it still goes on.

Q. Mr. Buckel's interest, which he manifested to you, convinced you of the reason why that license was granted over your protests? A. Yes.

Q. Mr. Buckel had \$4,000 invested in there for his brewery and told you that he had put a dummy in the saloon and wanted to get his money out? A. Wanted to sell it.

Q. And when he had sold it he didn't care what you did? A. What I did with the next man.

Mark Buckner, called as a witness in behalf of the State, being duly affirmed, testified as follows:

By Mr. Moss:

Q. Where do you live? A. No. 138 Forsythe street.

Q. You are charged with being one of the mob that assaulted the Parkhurst agents; what have you to say about that? A. I was not there at the time.

Q. That was on October 27, 1893; now, this charge that you were in the mob that assaulted those agents; what have you to say as to that? A. I was not in the mob.

Q. Where were you? A. In Essex street.

Q. You know there was such an occurrence? A. I saw people coming out of Essex Market court, and there was a man —

Q. Now, Mr. Buckner, tell us honestly and fairly just what you did see about that row, for we believe that you were one

of the persons that committed that assault, and it rests with you to state just what you did see of it? A. I was there in Essex Market court, and that day about a quarter to 3 I saw people were coming out of the court; I am not sure about a quarter to 3, I won't be positive of the time; I seen a man trying to hit some one; he was pulled away by another man; a man named Dreyfus.

Q. Who was the man that was trying to hit somebody? A. Zucher.

Q. Is that the man (pointing to Hyman Zucher)? A. That is the man.

Q. That is Mr. Zucher? A. I think he owns a saloon in Essex street.

Q. And a gambling-house in it? A. I don't know, sir.

Q. What is the common reputation? A. I couldn't tell you; I never was in his place but once in my life.

Q. Well, you have played there? A. I am no gambler.

Q. Well, you have played a little game there? A. No, sir.

Q. Do you know that Mr. Zucher is a bondsman in the Essex Market court quite frequently? A. That may be.

Q. You know it is so? A. That may be; I wouldn't swear to it.

Q. Have you ever talked with Mr. Zucher? A. No, sir; well, I have talked with him frequently.

Q. Why did you say no? A. Not on business matters; I asked him how he was; some such thing as that.

Q. Now, there is no disposition on our part to punish any one for what transpired that day; the Society for the Prevention of Crime declared that it would take no steps toward punishing any one you need have no fear.

The Chairman.—You simply want to tell the truth.

A. I have nothing to fear, Senator; I do not deny that I was in Essex street that day.

Q. And you saw the gathering of the mob? A. Yes; after Zucher got there.

Q. Zucher made the first movement, didn't he? A. Yes, sir.

Q. What had Zucher in his hand? A. I wouldn't swear; he may have had a knife or a piece of a stick.

Q. He had something? A. Yes, sir; he was dragged away by a man, named Mr. Izzy Dreyfus.

Q. You mean the reporter of Essex Market court? A. Yes, sir.

Q. You saw this man Zucher rush at somebody with something in his hand, which may have been a knife, and Dreyfus pulled him away? A. Yes, sir.

Q. Is that the man that he went at with the knife, or whatever it is (pointing to Mr. Wishart)? A. I think it is the man; I have no knowledge of the man; I have no recollection of the man.

Q. Was it myself? A. I saw you come out of the court with another gentleman with eyeglasses.

Q. I am speaking of the gentleman against whom the attack was made with this knife? A. That gentleman was there (pointing to Mr. Whitney); but I saw you come out of the court with another gentleman with eyeglasses on.

Q. Who was it that Zucher was running at? A. There was so many at the court-house that day, I couldn't say who it was.

Q. There was a great crowd in the street? A. Yes, sir.

Q. Of people that hung around the court, and a great many that hung around the bad-houses there? A. Yes, sir.

Q. That was the class of people gathered in the street? A. I guess that was.

Q. And the officers came out of the court and separated and dispersed them? A. I ran into a saloon; I was taken with cramps that time.

Q. Just at that moment? A. Just at that moment; I didn't see no officers or nobody.

Q. What was it that gave you the cramps? A. I had the cramps all night; I went into the station-house after cholera-drops that night.

Q. You said you were taken with the cramps that moment? A. No, sir; I didn't say that moment.

Q. You came out of the saloon? A. No, sir.

Q. Didn't you see that crowd running up Broome street? A. After I came out of the saloon it was about 10 or 15 minutes after, and I walked as far as Essex and Broome, and I saw a crowd running, but I didn't go after them again.

Q. As long as 10 or 15 minutes after it you thought it was when you saw the commotion at Broome street? A. Yes, sir; I saw people running up Broome street.

Alexander Wishart, a witness called in behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. You are superintendent of the Society of the Prevention of crime? A. Yes, sir.

Q. Were you in the Essex Market court on the 27th of October on the occasion of a hearing in the cases of five disorderly-house keepers? A. Cases of three, sir.

Q. Three of the five that were raided in the Eleventh precinct? A. Yes, sir.

Q. And which were convicted? A. Yes, sir.

Q. At the instance of the Society for the Prevention of Crime? A. Yes, sir.

Q. That was in Captain Devery's precinct? A. Yes, sir.

Q. And there was a great deal of public excitement at the time concerning the charges made by the society? A. Yes, sir.

Q. And the arrests that had been made upon that application? A. Yes, sir.

Q. When you went into court did you notice anything upon the street that attracted your attention? A. I didn't notice anything which attracted my attention until we were about leaving the court-room.

Q. What did you say? A. Then I saw a great crowd in the street, a threatening looking crowd, and was spoken to by yourself with regard to that crowd, and shortly afterward passed out on the street toward Broome street; just a little distance from the court-house steps a man made a lunge at the agent who was next to me, who was Mr. Lennon, with something in his hand, but I couldn't tell what it was.

Q. Can you recognize this man Zucher? A. Well, the man's face is familiar to me, but whether I know him from that day or from having seen him since I can not tell; some person pulled him away and we passed around the corner on Broome street; I said to the four men who were with me, "Keep close together and move along;" we moved along, not at a very rapid rate, followed by the mob, I suppose at first of 200, and by the time we reached the Bowery I should think that there was from 300 to 500 in the mob; but on the way along Broome street we passed a police officer who was stationed in front of a registration office; he was holding a conversation with some

man; I said to him, pointing back to the mob, "If you don't stop that mob somebody will be killed here;" he paid no attention to me whatever, and went on with his conversation with the man who was with him; coming near the Bowery, I said to the men, "We will now jump a Fourth avenue car;" expecting to find one going up Fourth avenue; but when we reached the corner I saw that there was no car except one that had just turned the corner of Grand street below; we crossed the Bowery and down the other side, followed by this hooting, howling mob; when we came near the car I said to the men, "Now, jump for that car;" four of us reached the car; one of the men, who was behind me, put himself there for my special protection; was there struck very violently, and as I got into the car a large cobblestone or brick, some very large stone, struck the side of the door, the rear door of the car; what we call the jamb of the door at the car; the fourth agent, who got on the front platform of the car, was obliged to leave it by the mob after him; that is hearsay, however; he told me afterward that he had to jump from car to car to escape the mob; first go up a little distance and then down a little distance; an attempt was made there to stop the car, stop the horses by men in front of it; shortly after I entered the car I found a policeman there and told him what had occurred, and he and another policeman then stopped the mob and we then went to the office.

Q. Were you directed by the executive committee to attend before Superintendent Byrnes? A. Yes, sir; that occurred in this way; perhaps the next day after Superintendent Byrnes announced to the press that he intended to investigate that whole affair from end to end and to punish the perpetrators whoever they might be; a day or so after that a letter came to the executive committee of the society requesting its aid, and in compliance with that request, in company with Mr. Kennison and yourself, I went to Superintendent Byrnes' office; we talked the matter over there and the committee expressed its willingness to render him its aid.

Q. But it was distinctly stated that the society had no desire to make a prosecution of its own and its only willingness was to aid Superintendent Byrnes in exposing this wrong and punishing the perpetrators for the honor of the police department? A. Yes, sir.

Q. You are clear on that? A. Yes, sir; on that occasion I asked Superintendent Byrnes myself how many names of men engaged in that mob he had; he told me he had one.

Q. He had got that one without your assistance? A. Yes, sir; I then handed him a list of seven names and addresses of men who were engaged in that mob, among them the name of the man Zucher; a day or so after that Superintendent Byrnes sent to me and asked me to bring the agents who were with me in that mob to his office to identify five of the seven whose names they had given him; I immediately complied with the request; the men were turned up in the hall; I presume it is a lockup at police headquarters; there was a line of men, probably 25 in a line, as much alike as possible, it seemed to me, and the prisoners were sandwiched in among them; after looking them all over —

Q. You need not go into all these details; you endeavored to pick out and did pick out some of these persons? A. I positively identified three of the five.

Q. Were your men put on exhibition at police headquarters? A. Yes, sir.

Q. Before the superintendent of police and headquarter detectives? A. Yes, sir.

Q. They went down in a friendly spirit apparently? A. Yes, sir.

Q. What was done about exhibiting your men to these headquarter sharks; tell us just what was done? A. Well, I can not give you any particulars —

Q. Were they not paraded before the headquarter detectives? A. Yes.

Q. And the inspector? A. Yes, sir.

Q. So, that these headquarter men became familiar with the faces of your employes? A. Yes, sir; we were seen all the time that we were there by them.

Q. What was the result of that; was anyone arrested? A. Those three men were sent to the Essex Market court; Superintendent Byrnes asked me to bring the agents with me the next morning to testify, as I understood it, and as I believe he expressed it, against these men, to bring them to his headquarters; I brought them there, and from there we were asked to go to the Essex Market court.

Q. You had been expressly instructed by the executive committee not to become a complainant? A. Yes, sir.

Q. But to render all the assistance you could to Mr. Byrnes?
A. Yes, sir.

Q. To compel Mr. Byrnes and the police officials to take the burden and responsibility of the proceedings? A. Yes, sir.

Q. It was stated to you, was it not, that we had reason to doubt the good faith of the proceedings? A. Yes, sir.

Q. And that we proposed to put the responsibility of it right on the police? A. Yes, sir; when we reached the Essex Market court there was considerable delay, apparently for the want of information against these three men; I was taken into the private room of the judge who labored with me quite a while to induce me to make the information against these men or to have one of the agents who was with me in the mob to make that information; which I declined to do, saying that the Society for the Prevention of Crime, nor I, nor any of the agents who were in the mob, had any complaint to make whatever; that we were there simply to testify in that case, which was Superintendent Byrnes' case; Captain Devery then made what was called a short information, and the case was continued until the next morning.

Q. Who was the judge? A. Judge Ryan.

Q. So that Captain Devery filled the bill of an informant or complainant? A. Yes, sir; the next morning we went to the Essex Market court again, and Judge Ryan then requested me or one of the agents to make the information against these men, which I respectfully declined to do for myself and for them, saying that if the arrest of these men had depended upon the Society for the Prevention of Crime, or myself, or any of the agents, they would never have been before him; he remarked to me, "Then I shall have to discharge;" "That is a matter for your honor, sir," was my reply, and he discharged them.

Q. This whole affair had occurred in Captain Devery's precinct? A. Yes, sir.

Q. Until officers from the adjoining precinct came to your rescue? A. Until we crossed the Bowery.

Q. You didn't get to a point of safety until you had crossed the line into the Tenth precinct? A. We didn't get into a point of safety, until we reached that Fourth Avenue car.

Q. You didn't get deliverance until you reached the Tenth precinct? A. No, sir.

Q. Captain Devery was the officer in charge of the Eleventh precinct, and he was the officer whom that course had compelled to be the complainant? A. Yes, sir.

Q. And the person who commanded the officer that had refused to give you assistance? A. Yes, sir.

Q. And in whose precinct this mob had gathered? A. Yes, sir.

Q. And through whose precinct this mob had driven you? A. Yes, sir.

Q. And your instructions were to compel Mr. Byrnes and Mr. Devery to be responsible for the prosecution? A. Yes, sir.

Q. And when you did put them in that position they threw it up and discharged the prisoners? A. Discharged the prisoners; yes, sir.

Q. And your men, were they willing and ready to testify; were they? A. Yes, sir.

Q. You so stated? A. Yes, sir.

Q. And you, positively, identified these three men? A. Yes, sir.

Q. As their assailants? A. Yes, sir.

Q. And these men were allowed to go and have never been rearrested, and have never been tried? A. Not so far as I know.

Senator Bradley.—Didn't he make a mistake by not making charges against them?

Mr. Moss.—No, sir. That was by our directions. We looked into that. If we had made the charge the prosecutions would have been allowed to fall out and it would have been stated that we could not maintain our case.

The Chairman.—You feared the Greeks?

Mr. Moss.—We feared the Greeks. I am under oath, and I may supplement the captain's statement by this. Superintendent Byrnes sent for the members of our executive committee, and I called upon him in response to the invitation. He told me that he knew who had perpetrated the assault. He characterized it as an infamous outrage, and said that he was deeply interested in rescuing the fair names of the police, which had been injured by the fact that this mob had pursued these agents through a half a mile of street without being interfered with by the police officers on their beats. He said that he proposed to carry on that investigation, no matter whom it struck, and that the guilty parties should be punished no matter how high it went

nor who should turn out to be the guilty parties. Upon that statement by Mr. Byrnes to me, repeated to the executive committee, we desired to rest the burden of that prosecution upon Mr. Byrnes. Subsequently, Mr. Byrnes—that was after the discharge of these prisoners—reported to his superiors that he could not find any evidence that there had been a riot.

Dr. John A. B. Wilson, a witness called on behalf of the State, being duly affirmed, testified as follows:

Mr. Moss.—Mr. Chairman, will you direct that all the other witnesses under subpoena attend here to-morrow morning?

Chairman Lexow.—After this witness has been examined, an adjournment will be taken until half-past 10 o'clock to-morrow morning, to which time all other witnesses are excused from attendance.

By Mr. Moss:

Q. You are the pastor of the church on Eighteenth street, west of Eighth avenue, are you not? A. I am.

Q. How long have you been pastor there? A. Since April, 1892.

Q. You came from the south to New York? A. Yes, sir; from the Wilmington Conference.

Q. So that you were not familiar with New York city or its municipal government? A. No, sir.

Q. You had some experience after awhile with the enforcement or nonenforcement of the law, didn't you? A. Yes, sir.

Q. Will you please tell us in your own way what your experience was; I would like to have you tell your own story? A. I can do it very quickly if you will allow me to; I have written it out to-day.

Q. Yes, sir.

Chairman Lexow.—What is the subject?

Mr. Moss.—The subject is his personal experience with Captain Donohue and his endeavors to have the law enforced in the neighborhood of his church and residence; his failure to get it enforced and the reasons for it.

A. I came to New York in April, 1892, about the time that the papers were filled with Dr. Parkhurst's crusade; I sympathized fully with him and the effort he was making; no one, however, asked me to render any assistance or in any way take up the controversy; I was too new in New York to volunteer

my services; besides, to have entered the lists to purify a city that I knew nothing about would have been a bit of presumptuous meddling on my part; I resolved to treat the police of the city, as I came in contact with them, with the fullest confidence until matters of personal knowledge came to me to change my opinion; I did not think that any purpose of good government could be served by attempts of mine to lessen confidence in the force, unless I had personal knowledge to justify me; I have never looked up anything, and learning of nothing for several months, I believed that we had the cleanest precinct in the city; the officers were always very courteous to me whenever I met them, excepting a sergeant once in a station-house; of course, I saw that the saloons were open on Sunday and shortly after coming I pointed out an open saloon to a patrolman whose name I do not know, and inquired why he did not close it; he said that if I insisted upon it, he supposed he must do so; but it would do no good and only get him in trouble with the department and cause his removal to some undesirable precinct; I told him if no general good was to come of it, I would not put him into trouble; he then gave me the story of an officer, who got into serious trouble for dealing with a liquor man who was beating a much smaller man on Twenty-fourth street; after several months Mr. White and his men, printers at 260 West Eighteenth street, told me that a policy shop was and had been running a long time next door to him, and there was another one across the street; while I look up nothing, I yet feel that when knowledge comes to me of wrongdoing that I should be particeps criminis if I do not seek to break it up; I was in doubt what course to take in this case, but on a visit to a police sergeant, who is a member of my church, he at once asked me for names, numbers and information, of which he made a memoranda, and said, "You will hear of this again;" a few days later a large man with a long German name called upon me and said he was wardman for one precinct, and had been sent by the captain to inquire about the policy shops I had spoken about, to the sergeant at headquarters; I gave him all the information I had, with names of witnesses; he seemed perfectly surprised to know that anybody could be engaged in such business in the precinct; his innocence and ignorance greatly impressed me; I heard nothing more of the matter for several days, until a neighbor told me that the policy man at 261 had inquired of him whether he was making any trouble for him, that the preacher across the avenue was

trying to make trouble for him at the station-house; I at once wrote to Superintendent Byrnes making complaint against the places; the next morning an inspector — I thing McAvoy and a sergeant — called upon me to learn particulars; I gave them all I had; they told me the case should be attended to; I heard nothing more of the case for some time, and again wrote the superintendent; I think I wrote him three times; in the meantime a young man learned what I was trying to do, and without my knowledge bought a policy ticket and brought it to me; after my last letter to the superintendent, Captain Schultz of our precinct, called upon me to request that I would not make my complaints to headquarters, but to him, and he would faithfully and promptly attend to everything that annoyed me; that my complaints to the superintendent had gotten him into serious trouble at headquarters, and the superintendent unmercifully scored him; Inspector McAvoy told me also that the superintendent had abused the captain most awfully for not having promptly attended to the work; I told Captain Schultz that the reason I did not complain to him was because I had lost confidence in his station-house from the fact that these policy men seemed to have been notified from them that I was after them; he greatly deprecated such a suspicion and assured me that they got their information elsewhere; that a thing like that could not occur; I promised him that in the future I would report all cases to him and give him the first chance to correct them; the policy men moved elsewhere, and later the captain told me they had gone out of his precinct; I gave him the ticket and place where it was purchased, with the request that he proceed against the one who sold it; he objected on the ground that the man had gone and the ticket was two or three weeks old, and the courts did not like to have such cases come before them; that we had broken his business and had better let him go; the whole time from first complaint, before they ceased to do business, must have been from three to five months; I asked this captain to have a suspected place shadowed in the lower end of one block, which he did, and the parties moved out; I do not remember now any other case reported to him; when Captain Donohue came to the precinct I sent for him and told him what my method had been with Captain Schultz; that I did no detective work whatever, but when knowledge was brought to me of lawless places, I felt re-

sponsible for their closing and would report first to him before going down town or elsewhere; he approved of my course and said he would attend to any cases promptly that I reported; he said that often the police suspected places, but that it was so difficult to get evidence, and that he wanted to do what was right; I told him I thought we had the cleanest precinct in the city, and I wanted it kept so; that he was a young man and had a chance to make a record; that I took stock in young men and would stand by him under all circumstances so long as he was right; we parted in the most friendly manner, and he often called upon me with and without special invitations; not long after his coming to the precinct, I was called upon one morning by a prominent official not now in office, who inquired if I was not seriously annoyed by disorderly-houses and policy shops about me; I told him my experience before related, and said, "I do not believe there is one in the precinct; I regard this as the cleanest in the city, and while the captain keeps it so I shall stand by him;" the gentleman looked perfectly incredulous at my statements, which I repeated, assuring him that I had no information of any kind of the existence of a disorderly-house running in the precinct or of a policy shop; there had been two suspicious places in one block which I had reported, one kept by a Mrs. Riley, which was raided, and I think implements of gambling found; I think no conviction followed, but can not speak positively; I also reported a flat in the Capitol, 306 West Eighteenth street; he, in that case, had the owner dispossess them and they moved out; I think I mentioned these cases to the visitor; I am sure I did if his call was after these events; he desired that I should not mention his call on the business that brought him, to anyone; that is his name, as I understood; I sent for Captain Donohue the same day and inquired as to the condition of his precinct; he said it was all right; he knew of nothing going on contrary to law; I inquired about disorderly-houses and policy shops; he said he did not know of one of either in the precinct; I said, "Captain, you are being carefully looked up; you are a young man and I should be sorry to have you make a mistake; these are not times when a police captain can afford to be derelict in duty; I would advise you to have your officers go carefully through your precinct and make thorough work of it; I have reported everywhere that your precinct is the

cleanest in the city; I want you to see that my boast is made good;" the captain thanked me, and retired with the assurance that he would not disappoint me; in March, 1894, I was visiting a member of my church in West Seventeenth street; she told me. that herself and neighbors were greatly annoyed by the people living in 243, 245, 247; she said these were disorderly-houses, kept by one person, and that the people who lived in them plied their trade on the sidewalks of the block; and that their language and conduct were very annoying; that she and her neighbors were about to send a letter to the Parkhurst society; I requested her to delay that for awhile and leave the whole matter with me, and them places should be broken up; that the captain was a young man, ambitious and anxious to do his duty, and I wanted to give him every chance possible; I went home and sent him a note to call upon me at once; he came and I told him the whole story; he thanked me again and said it should be attended to; I believe he also said that he knew it was a bad house, but that it was so difficult to get sufficient evidence; he certainly made this statement about the place at that time, or later; I believe he raided the place either that night or the next; I speak now wholly upon information; I heard that he found two women only, and that they were discharged for lack of evidence; neighbors at 312 West Eighteenth street also complained to me of the character of the flats in rear of them on Seventeenth street; I reported them to the captain, and, as the nuisance was not abated, complained or sent word by officers to him again and again; he explained to me that the serious trouble was that the flats were held by Mr. Flagg who gave the police more trouble than any other real estate man in the city; that he would remove disreputable people from a furnished flat in one part of the city to another, and so stood in with them, and it was very hard to get evidence against them: one night I saw the captain and several officers in citizens' dress standing at corner of Seventeenth street and Eighth avenue, within seven or eight doors of these flats; as I passed, he called me aside, and said I am shadowing those flats to-night; young men and others noticed these officers and all seemed to be curious to know what was going on: some conjectured that a raid was on hand; I left the captain with a curious thought in my mind that shadowing of that kind could hardly result in anything, and I never heard that anything whatever came of it: I had no further occasion to

call upon the captain other than to send him word that people in those flats were still annoying my neighbors; it began, however, to dawn upon me that I was being played with by the captain; in August or September, on returning home one night, I found at my step, a lady who proved to be a Mrs. Monehan; she said she called to know if I would help her about those houses in Seventeenth street, naming 245; I said that place was raided and closed by Captain Donohue last spring; she said that was a fake, or words to that effect, and that the place had been running ever since; that she moved into 247 in good faith to keep a furnished-room house, and found herself between two disorderly-houses kept by the same woman; that she, and her family and boarders, were compelled to hear all sorts of unseemly things; that the woman made no concealment of her business, but admitted it to her; I told her to go to the captain; she said she had been there twice, but he gave her no satisfaction and did not treat her well; I said, "You are both Catholics, and ought to stand by each other;" she said, "That did not make any difference in this case; that he wasn't much of a Catholic anyhow;" "Then," I suggested, "the most natural thing would be for you to go to your priest; Father Healey has a number of assistants — I have none — they have more time than I have, please take your case to them;" she made some reply which I do not remember, but it was perfectly respectful to her priest; she further said, "I was told to come to you, and you would help me, and I don't know where else to go;" she also told me that she had been to the inspector, but was insulted by him; I told her I would look into the matter and aid her if possible; the outcome was, that as I looked into it, I lost all confidence in Captain Donohue; made up my mind that he had been playing with me, and that the time had come for me to actively engage in the reform; I felt then and now, that I had given the police an ample trial in my own community, and the evidence of guilty knowledge on their part of disorderly-houses, was sufficiently plain; that I must withdraw all confidence and take my place with those who were fighting for better things; not the next Sabbath after Mrs. Monahan's call, but the next following, I gave my first prelude upon the question; later volunteer Detective Leonard secured sufficient evidence to hold the keeper of this place for trial in General Sessions, and she is now, I believe, in the Tombs, awaiting trial, being unable to procure

bail; Leonard informed me that Captain Donohue refused to give him any access to the police record of the persons in her house, though he called upon him to ascertain her standing and reputation with the police.

Q. Now, doctor, you started in with a great deal of confidence in the police department; did you not? A. Yes, sir.

Q. You tried them for about two years? A. Yes.

Q. You have given them a long and patient trial? A. Yes, sir.

Q. And have gone into details with them? A. Yes, sir.

Q. Have you the same confidence in them now, upon the administration of law and an honest attention to business that you had when you started in? A. I have in very many of the patrol whom I have met, but none whatever in the captains.

Q. And you base that opinion entirely upon your personal experience, which has been so detailed as to give you some right to speak? A. Yes, sir.

Q. You have had communication with minor officers, with sergeants, captains, with the inspectors, and you have had communications up to the head of the force? A. Yes, sir.

Q. You have no confidence in it? A. Well, I couldn't say that about the superintendent; I have had no communication with him; every communication I sent to him was promptly attended to, and I happen to know from others that he dealt very severely with Captain Schultz.

Q. But so far as the execution of the law was concerned, the closing up of saloons at unlawful hours, you have not had positive results? A. No; I have had no results whatever.

By Chairman Lexow:

Q. You have followed the line of investigation that has been followed by the committee here; have you not? A. Yes, sir.

Q. And familiarized yourself with the various matters that have come up before us? A. I have; very carefully.

Q. One very important question which has been presented is that of the condition of the social evil in this city, and, to some extent, the ability to regulate the interference by police and the incentive or inducement to take gains from people engaged in the vicious traffic, which depends upon the solution of that question legislatively or otherwise.

Q. Have you got any panacea to offer in any way, either by way of legislation, localization, or otherwise, of the social evil in this city? A. I have, sir.

Q. Have you considered the matter carefully? A. I have.

Q. What is your best judgment upon the subject? A. First of all, I think the police department of the city ought to absolutely be disorganized and reorganized.

Q. I am speaking of the social evil? A. The social evil; I think the God Almighty's plan is the only feasible plan.

Q. What is that? A. I think that is absolute prohibition — "Thou shalt not!" and follow that up in good faith; I haven't any question but that I could close up every place in my precinct, if I had the authority of a police captain with no hindrance from police headquarters.

Q. Now, it is said that the result of closing up these various places leads to the general dissemination of the vice in places that otherwise would be entirely relieved from that evil; that instead of being localized houses, these creatures go to tenements, places that otherwise are perfectly moral, and that they sow the seeds of social evil, to a far greater extent, in the community, under present conditions, than if they were localized even in houses, not to speak of any territory; what do you say to that? A. I don't believe a word of it, sir; I believe that the conditions in that regard are much better now than formerly; they are now being kept on the run; to localize it, I believe, would simply be another step toward the abolishment of marriage; every step to make the social evil safe and honorable is a step toward lessening the number of marriages.

By Senator O'Connor:

Q. Doctor, do you think it can be suppressed? A. Yes, sir; not this year; but we have got all eternity to do it in.

By Chairman Lexow:

Q. Then, you believe that regulations looking to absolute extirpation, as far as possible, and, in your judgment gradual, is the best remedy to pursue? A. I have no question about that, though I believe in all methods looking to an immediate extirpation and working on that line.

Q. But you admit that it has got to be gradual, do you not? A. As an organized traffic, I hardly think that it need be very gradual; it is true, sir, that all prohibitory laws, such as against

murder and against theft and everything, are not absolutely prohibitory; but they do wonderfully restrict.

By Senator O'Connor:

Q. But, take it in the cases of women addicted to a course of life of that kind; do you think it can be successfully dealt with unless the State or the charitable societies of the community provide some means by which women who are engaged in that course of life may earn an honorable livelihood? A. I think the State and city can better afford to care for them as almoners upon its charity than to care for them as they are now being cared for; I do believe that in every case something ought to be done to them; I believe that these poor creatures themselves — and I remember that I am on my oath — I believe they are more sinned against than sinning; I believe a large percentage of them, kept under right influences, can be redeemed and saved.

Q. Don't you think the great mass of those women would be very glad to get out of that kind of a life if they could do so?

A. I have great reason to believe it, although I have come in contact with them very little.

Q. Don't you think that even among charitable and religious people there is a great aversion to having anything to do with this class of women — to employ them in any capacity where they are brought in relation with their families? A. I think so, and I think justly so; I think they can be employed in factories, in laundry places, in places where they do sewing; well, factory covers the whole; I shouldn't want to take one into my house as a servant, and I wouldn't advise anyone to do so, unless she was thoroughly well known.

Q. When you talk of laundries, shops, etc., it is a conceded fact that in those places there are many virtuous and well-deserving girls employed; and wouldn't they have the same objection to associating with those women who desired to reform? A. They ought to have; but then you can separate them; I find this, in answering another part of your question, that there is an aversion to these women; I have not found it so; within 30 minutes of my door I can take a dissolute woman to any one of 10 places where I believe she will be received without money or price, and be cared for until she can be taken care of permanently; I don't know of three such places in New York to keep a good woman from going astray; I am

especially interested in this, for I am trying to have such a place under my own eye where a girl that gets \$3.50 or \$4 a week can be cared for.

Q. You recognize that it is a pretty difficult question to deal with practically? A. Yes; but it seems to be more difficult to get people to take care of girls before they go astray than to lachrymose over them after they have gone astray.

By Senator Bradley:

Q. Don't you think it would be a good idea for the State to have a place where they could earn their own living? A. Yes, sir.

Q. You are like me; you say you believe in going back to the first constitution given to man; you believe that is the best constitution? A. I do.

By Senator O'Connor:

Q. Don't you think there is a good deal in the custom of society being so unforgiving to a woman who has wandered from the path of virtue whilst men who are notorious for that are received with approbation in the most refined society? A. I have been fighting that feature of society through my whole ministry.

Q. That presents a very difficult question; the difficulty with the social evil is that society itself has adopted one rule regarding a woman entirely different from that regarding a man? A. Yes, sir.

Q. The woman is damned and the man applauded? A. Yes, sir.

Q. How are we going to reverse, that is the question? A. We are trying to do it; there is a society of which Dr. De Costa is the head that is working for one standard of purity; the Bible is certainly on that line.

Q. Can the law go any further than to give charitable societies and churches legitimate support in establishing these agencies that will revolutionize the present ideas about these things? A. Well, I am unalterable in these ideas of opposition through the State giving any aid to any sectarian institution.

Q. I do not mean in the way of giving money? A. Of course, it is right, I think, for the pulpit and other reformatory agencies to take these steps; while we work for absolute pro-

hibition against all evils, the actual prohibition reached will be below the actual level of that scheme.

Q. The Legislature and the people expect us to recommend some solution of this difficult problem; we all know that it exists, and my judgment is, no matter what recommendation, that it is very easy to find we are placed in a very peculiar position; we may have views of our own as to the practical way in which to deal with this question, but the practical views we might have might not meet with the men who are so absolute in believing that this thing can be utterly extirpated; and it becomes our duty to recommend some method and we would like to have the best thought and the most experienced specialists of the city of New York as to what they think will remedy this evil? A. Yes, sir.

By Chairman Lexow:

Q. Does your theory imply the passing of any additional legislation? A. I wish there might be a severer penalty which would reach the property holder; I believe he is the man that ought to be reached; if you will make a law that will put a heavy fine upon the property holder where a disorderly house is kept, I think they will all disappear at once.

Mr. Jerome.—There was such a case in the Special Sessions. The party was sent to the penitentiary for six months, and fined \$500.

Chairman Lexow.—Why are not prosecutions of that kind against property owners taken more frequently?

Mr. Moss.—It is very hard to lay the foundation for a successful prosecution in those cases.

Chairman Lexow.—Why, instead of arresting these unfortunate creatures and sending them to the Island, do you not make it prohibitory against their living in this city by prosecuting the owners of houses so occupied?

Mr. Moss.—You speak of "you." Of cours, we do not prosecute anybody.

Chairman Lexow.—I understand that; but I mean, why is not the activity directed in the direction of the landlord? Why is not an agitation produced here to prosecute property owners?

Mr. Moss.—It seems to be very much more difficult to lay the foundation for the successful prosecution of the property owner. There have been a great many efforts made to get such prosecutions.

Chairman Lexow.—In these cases, where you have secured convictions, was it not an easy matter for you to have notified the landlords of those buildings that this kind of offense or business was being conducted there and then train your guns against them?

Mr. Moss.—Mr. Senator, there are to-day two, three or four wealthy property owners in this city who are under indictment and have been under indictment for months at our instance for that very reason. They have not been tried.

Senator O'Connor.—Why not amend the law so as to make the existence of that thing presumptive evidence of knowledge?

Mr. Moss.—That would be a very good idea. I have always advised anybody who consulted with me on that point that it was his duty to look out for his property and see that it didn't become a public nuisance.

Chairman Lexow.—If it were proven that houses of that kind existed in a certain locality for six months would it not be a good idea to have a law which would regard that as representing a presumption against the owner of the property of knowledge?

Mr. Moss.—I think that would be a very wise amendment. It is very difficult to establish this kind of a case, because the very moment you serve a written notice upon an owner, then you have to start fresh upon your case. You can not presume any notice back of the notice you have given and he immediately uses the changed conditions, and you have much more difficulty in getting evidence in case of property owner.

Chairman Lexow.—Senator Pound suggests, and probably that might be the better way, to take a term, say, six months, and make a term of that kind conclusive evidence of knowledge of the owner of property; and a shorter term, 30 or 60 days say, presumptive evidence of his knowledge.

Senator O'Connor.—Do you know of any section of the world where this question has been successfully dealt with?

Mr. Moss.—I do not. I do not believe we are going to deal with it in such a way as to drive it out entirely.

Senator O'Connor.—It is the diseases that very oftentimes young men contract that is carried on through generations. Now, isn't it the duty of the State to take some practical means to prevent an evil of that kind. You see, when you get right down to this, you have a difficult problem.

Mr. Moss.—I would answer your question, if I were on the witness-stand, and had my own time in which to give you a good answer.

Senator O'Connor.—We would like to have you or any other counsel, connected with the investigation, study out and submit your views. We want the benefit of your judgment on these matters. We have been sitting here listening to a lot of horrible disclosures, which show a very bad state of affairs; but the question comes, what is the specific remedy?

Senator Bradley.—I would make a suggestion now, which is that we invite through the public press suggestions from the different gentlemen, who are interested in the elimination of this crime. That this committee invites suggestions from different divines, and different men, and then we might form some plan. But, to discuss this thing in public, I do not think, morally speaking, it is of benefit.

Mr. Moss.—I would say that opinions given at random and short-handed do not have the weight and importance that they would if given after study and deliberation. I want to ask the witness a question.

By Mr. Moss:

Q. You stated that the law could be enforced in your precinct and that you believed you could enforce it if you had police authority; you meant by that the law against the maintaining of houses of ill-fame? A. Yes, sir.

Q. You understand that there is no law against adultery or prostitution? A. Certainly.

Q. But the penalty is against persons who allow their property to be used, or who conduct disorderly-houses? A. Yes, sir.

Q. You say you could enforce that law? A. Yes, sir.

Q. You have been throughout your district continually, after darkness, have you not? A. Yes, sir.

Q. And frequently all night? A. Yes, sir.

Q. So, that you know its condition perfectly? A. Yes, sir.

Q. And that is your mature judgment? A. Yes, sir.

Q. And you believe that this law against the maintaining of such houses, punishing the proprietor of the place and the owner of the property—you believe that law should be made stronger and should be enforced? A. And simplified; I want to say about my all-night walks, that they were never in pursuit

of information on this line; that was all done with reference to the poor last winter, looking up the people out of doors.

The committee adjourned to Thursday, December 13, 1894, at 10:30 a. m.

Proceedings of the sixty-fifth session, Thursday, December 13, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, Cuthbert W. Pound, and Daniel Bradley. John W. Goff, Frank Moss and W. Travers Jerome, of counsel for the committee.

Mr. Moss.—Mr. Chairman, I examined the official records furnished by the police department last night to discover what officers, since 1889, had turned in their reward percentages to the pension fund; and I think it would be well to put them upon the minutes, because occasionally we have testimony of the officers who have received rewards, and we may want to see whether their rewards were honorably received or not. In 1889, the amount turned in was \$66.25. Contributed by Detective Tessaro, \$40; Officer Rocksbery, Second precinct, \$5; Officer Breen, Thirty-first precinct, \$20; Officer Saculka, of the Nineteenth precinct, \$1.25. In 1890, the per cent. on reward, was \$96. Officer Saul, Second precinct, \$6; Officer Lockwood, of the Thirty-third precinct, \$10; Officer Peterman, \$44; Officer Morris, \$12; Officer O'Brien, \$12; Officers Fletcher and Myers, \$6; O'Brien, \$5; Officer Macauley, \$5. 1891, the amount was \$48; Officer Mahoney, of the Fourth precinct, \$12; Officer Armstrong, of the Sixth precinct, \$3; Officer Price, of the Sixth precinct, \$12; Officer Readig, of the Twentieth precinct, \$2; Officer Richards, Central, \$12; Officer Kiebeck, of the Twentieth precinct, \$2; Officer Van Kirk, of the Ninth precinct, \$2; Officer Casey, of the Second precinct, \$2; Officer Murphy, of the Ninth precinct, \$2. In the year 1892, the amount was \$223, contributed by Officer Connors, of the Tenth precinct, \$12; Officer Edward J. Connors, of the first court, \$12; Officers Grady and Darling, \$40; Officer Felton, of the Twelfth precinct, \$12; Officer Morrison, of the Thirty-fifth precinct, \$100; Officer Griffenhagen, of the Twentieth precinct, \$29; Officer Dowling, of the First precinct, \$2; Sergeant Sheridan, \$5; Detective Aloncle, \$20. In 1893, the stenographer has the record of that, the amount was only \$5; I will supply the name later. (Sergeant Reap, \$5.)

John J. Ferguson, called as a witness on behalf of the State, being duly sworn, testified as follows:

Mr. Moss.—It seems doubtful whether any class of men of a similar size with the police of this city are guilty of similar acts of anarchism, as this 4,000 men, and occasionally we produce a witness illustrating that fact; although we could occupy nearly every day with them we do not use them very often.

By Mr. Moss:

Q. What is your full name? A. John Joseph Ferguson.

Q. Where do you live? A. Three hundred and fifty-eight West Forty-fifth street.

Q. There is a reason why you can not speak very well, you have lost five of your front teeth? A. Three.

Q. The three front teeth in your upper jaw are missing? A. Yes.

Q. When did you lose those? A. Thanksgiving morning, the 29th.

Q. Tell us how you lost those teeth; tell us the whole of it? A. I went to purchase two crabs on the corner of Forty-fourth street and Eighth avenue on the oyster stand.

Q. Draw your shoulders back and talk out? A. I went to purchase two crabs on the corner of Forty-fourth street and Eighth avenue of the oyster stand and the oyster man put up two for me, and when I went to examine them one was bad; and I had an altercation with him; and there was two officers standing immediately west of the oyster store, and one of them was Thomas T. Bainbric, and he walked up without a word of warning and hit me in the mouth.

Q. What did he hit you with? A. His hand; but the dentist said he must have had something else to break my teeth.

Q. What was the result to your mouth? A. Broke the two teeth, and contusion of the gum.

Q. The teeth were splintered up into the gum, were they not? A. Yes, sir.

Q. And your dentist had to cut off the exterior portion of your teeth, and then extract the teeth? A. When my gums got healthy.

Q. How long were you suffering from those broken teeth before you got them extracted? A. Two days before the crowns

were taken off, and three or four days before the roots could be touched.

Q. Your mouth was all swollen up; was it not? A. Yes, sir; I have a doctor's certificate —

Q. Did the officer arrest you? A. No, sir.

Q. Did not arrest you at all? A. No.

Q. Did you give his name? A. Thomas T. Bainbric, 2647 was his number.

Q. Have you made any complaint about that? A. Yes, sir; I preferred a charge at headquarters against him.

Q. You have not heard anything from that charge, have you? A. No.

By Chairman Lexow:

Q. I would advise you to go to the district attorney with your case; have you told us all about the occurrence? A. That is the whole substance of it; he hit me without provocation.

Q. What were you doing when he hit you? A. I was purchasing two crabs, and we had an altercation in regard to the quality of the crabs, and he did not seem to want me to annoy the oyster man.

Q. What kind of altercation did you get into? A. Just word-ing about the quality of the crabs; that is all.

By Mr. Moss:

Q. You wanted the man to give you back the money; the crabs were bad? A. Or give good crabs.

Q. And this man had a stand out on the sidewalk? A. It was within the stoop line.

Q. It was outside the house? A. Yes, sir; but it is permanent.

Q. And you were interfering with a friend of the officer's? A. Apparently; yes, sir.

By Senator Bradley:

Q. You had no words with the officer prior to his striking you? A. No; none whatever; I heard nothing from the officer until he moved to strike me.

Mrs. Katie Monahan, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. You are a married woman, are you not? A. Yes, sir.

Q. And you live at what number in Seventeenth street? A. Two hundred and forty-seven.

Q. Two hundred and forty-seven? A. Two hundred and forty-seven.

Q. West Seventeenth street? A. Yes, sir.

Q. And you are acquainted with Doctor Wilson who testified last night, are you not? A. Yes, sir.

Q. And he spoke something about your case? A. Yes, sir.

Q. You have a family of children, have you not? A. No; they are dead; my children are all dead.

Q. You live there with your husband? A. Yes, sir.

Q. Keep boarders? A. Yes, sir.

Q. Respectable boarding-house? A. Yes, sir.

Q. When did you go to that house in Seventeenth street? A. The 23d of April.

Q. Of this year? A. Yes, sir.

Q. Who was the owner of the property? A. The Star Brewing Company.

Q. There was a woman named Mrs. Giles in an adjoining house? A. She occupied that house.

Q. That particular house? A. Yes, sir.

Q. What kind of house did she keep there? A. It was a disreputable house.

Q. Did you have any conversation with the owners of the house about her? A. Yes; I told them about her.

Q. What did they say? A. They told me to leave their office.

By Senator Bradley:

Q. To get out? A. To get out.

By Mr. Moss:

Q. Told you to get out of the office? A. Yes, sir.

Q. There was something said about Mrs. Giles at the time you took the house, was there not? A. Yes, sir; the owners of the house told me they would have her removed; if they had not, I would not have taken the house.

Q. Mrs. Giles occupied the adjoining house? A. Yes, sir; two houses.

Q. Two houses adjoining yours? A. Yes, sir.

Q. When you took this particular house, 247, which she had vacated, you had this conversation with the owners, in which they said they would remove her from the adjoining house?

A. Yes, sir.

Q. She kept two houses of ill-fame adjoining yours, one on each side? A. Two hundred and forty-three and 245.

Q. Two hundred and forty-three and 245? A. Yes, sir; and then they ejected the respectable family in 249 and placed her in the house in the month of May.

Q. She had three houses? A. Yes, sir.

Q. And she surrounded you? A. Yes, sir.

Q. Are you sure they were disreputable houses? A. Yes; I am sure.

Q. Did you observe the people that lived in them? A. Yes, sir.

Q. And the actions of the women? A. Yes, sir.

Q. Did you learn their names — some of them? A. Yes, sir.

Q. Did you learn their characters? A. Yes, sir.

Q. Did you see the people — the men going to the house? A. Yes; they came to my door inquiring for them, and giving me the names.

Q. And you heard their conversation? A. Yes, sir.

Q. By conversation from these houses? A. Yes, sir.

Q. Well, when your landlord, the Star Brewing Company, refused to give you any relief from this woman did you go to the captain of the precinct? A. I did.

Q. Who was the captain? A. Captain Donohue.

Q. What did he say to you? A. He told me that he knew they were bad-houses; that Judge MacMahon settled the case in the Jefferson Market; that she should not remain in that precinct.

Q. There had been a hearing at the Jefferson Market court and Judge MacMahon said she must get out of the neighborhood?

A. Yes, sir.

Q. That is what the captain told you? A. Yes, sir.

Q. Did he do anything? A. No, sir.

Q. She was not removed? A. No, sir.

Q. Was there any case in the court brought against her after your complaint? A. I brought a case.

Q. Did the captain bring any case? A. No.

Q. He left you on your own resources? A. Yes, sir.

Q. When you found that the captain would not do anything for you, who else did you go to? A. I went then to Superintendent Byrnes.

Q. What did he say to you? A. He just stepped out of the office, as I stepped in.

Q. Who did you see? A. I saw one of his men, and explained to them, and asked them if they would not put that on file, what I had to say.

Q. Did that officer write it down? A. He did.

Q. What was the result of that? A. Nothing; I never heard nothing.

Q. You never heard? A. No.

Q. You did hear from it from Mrs. Giles, didn't you? A. Yes, sir; I heard from Mrs. Giles.

Q. What did Mrs. Giles say to you after you went to Superintendent Byrnes? A. She told me everything that I told at the superintendent's office; she hollered it in the street.

Q. Abused you in the street? A. Yes, sir.

Q. Did she do that in the presence of police officers? A. She did.

Q. Did they protect you? A. No; Officer Cook was the officer.

Q. Then you went to Jefferson Market? A. I went to the captain again then, and then I went to Jefferson Market to get a summons.

Q. Who did you see at Jefferson Market? A. Judge Hogan.

Q. What did Judge Hogan do? A. He told me to go home.

Q. Wouldn't he give you a warrant? A. No, sir.

Q. Sent you home? A. Yes.

Q. Well, did he say he would do anything? A. No; on that day he didn't say.

Q. Who else did you go to see? A. Then I went to Judge Taintor, because I know him.

Q. Where did you find Judge Taintor? A. Fifty-seventh street.

Q. That was out of the district? A. Yes, sir.

Q. What did Judge Taintor say to you? A. He told me to procure a summons for the owners of the property.

Q. Told you to go to Jefferson Market and procure a warrant or summons against the owners? A. Yes, sir.

Q. What did you do then? A. I told him I was a poor woman and had my household affairs to see to, and could not do anything like that; and then he advised me to get a summons against Mrs. Giles.

Q. Did you go back to Judge Hogan then? A. Yes, sir.

Q. Did he give you a summons? A. Yes, sir.

Q. Did you tell him Judge Taintor sent you back? A. Yes; then he gave me a summons and he called Officer McConville to get a summons.

Q. What time were you to come to court on that summons? A. Half-past 10.

Q. Did you go? A. I was there at 10.

Q. Was your case called? A. No, sir.

Q. How long did you wait? A. Until 12 o'clock.

Q. What did you do then? A. I went to the judge and asked him why he did not call the case, and he told me he did; so I told him he did not, that he had deceived me, for I had four witnesses beside myself to testify he never called the case.

Q. What did he do? A. He told me to go home again; and I told him, what will I do with this woman when I go home, she is a great annoyance to me; he said, "Well, you will find out;" he said, "She won't annoy you any more."

Q. How did he know she would not annoy you, did he say? A. No; the men put me away.

Q. Did you get any relief after that; did Mrs. Giles discontinue her business; did Mrs. Giles stop business? A. No, sir; just the same.

Q. Went on just the same? A. Just the same.

Q. After Judge Hogan's promise? A. Yes, sir.

Q. What did you do then? A. I went to Superintendent Byrnes' office again.

Q. Did you see Mr. Byrnes that time? A. No.

Q. Who did you see? A. I saw one of his men; but I wrote to Superintendent Byrnes and told him about—

Q. Did you write a personal letter to him? A. Yes.

Q. Did you mail it? A. I did, sir.

Q. In the letter-box? A. Yes, sir; and kept a copy of it.

Q. Did you put a two cent stamp on it when you mailed it? A. Yes.

Q. And after mailing the letter to Superintendent Byrnes you went to headquarters and saw the men? A. Yes; I asked him if he got my letter, and this man did not know anything about it; and he told me he would see it was all right, and go back to Captain Donohue again, and he would see it was all right.

Q. What did you do then? A. Then I went to Mr. Osborne's.

Q. Who is Mr. Osborne A. He is in the district attorney's office.

Q. Didn't you go to Inspector McAvoy? A. That was afterward.

Q. You went to Osborne first? A. Yes, sir.

Q. What did Mr. Osborne do? A. He told me a few things what to do.

Q. What did he tell you to do? A. To refer this to Mr. Goff; he was the only one that could help me out of this

Q. The only man that would help you out of it? A. Yes, sir.

Q. Then you went to Inspector McAvoy's, did you not? A. Yes, sir.

Q. What conversation did you have with McAvoy? A. I told him about how the police had treated me, and how Captain Donohue was not true; that he deceived me, telling me he would do what was just and did not; so he told me to get out of his office that I had no grounds for what I was talking about.

Q. Told you you had no grounds for complaint? A. Yes.

Q. Is that what McAvoy said to you? A. Yes, sir.

Q. Who came in while you were talking with Inspector McAvoy? A. Captain Donohue.

Q. Did you address the captain? A. Yes, sir; I said to Inspector McAvoy, "Here is the captain, and he can tell you the same as I am telling you."

Q. What did the captain say to McAvoy? A. He explained to the inspector a good deal of things, and said, "This woman wants the earth."

Q. You only wanted protection in your little house? A. Well, I wanted to be let live.

Q. Surrounded by the enemy you wanted protection? A. Yes.

Q. And that he called wanting the earth? A. Yes, sir.

Q. What was the end of the interview; how did it end? A. Then I went to Mr. Goff's office.

Q. How did you leave Inspector McAvoy?

Senator Bradley.—She said he told her to get out.

The Witness.—But I did not get out; and I told him to sit down and have patience until I explained to him the matters, and he got up and walked the floor in a very furious manner; and I told him I did not think that was his office, I thought it belonged to the public, and if he would sit down I would explain

to him, and he would not; and I told the captain I did not think it was right, he should not treat me so, as I was a poor woman he had a right to do better with me; so Captain Donohue told the inspector that the Star Brewing Company were bringing a case against Mrs. Giles to put her out of the house; so the captain sent an agent of the property to me to see if I would go to the court with the police; and I said, "No; I would not go;" and he asked me why I would not go; I said I would not go with the police because they knew more than I did, and why should I testify for them; so I did go to the court but not in the way they could know me—I dressed in black.

By Mr. Moss:

Q. The owners promised to put her out, did they not? A. Not to me; the police, they told me the police were after her, and they would not have to do, and it would cost them a lot of money, and I was making a lot of bother for them, and they wanted to dispossess me on the 5th of September.

Q. What for? A. For making bother for them and annoying Mrs. Giles, the tenant.

By Senator Pound:

Q. What was the charge; what was the charge alleged in the dispossess papers?

By Senator Bradley:

Q. Was it a 30 days' notice or three days'? A. They did not serve me any papers, only verbally.

Mr. Goff.—I wish to publicly announce now that it is only taking up my time and producing considerable annoyance to me for witnesses to come one after another to ask to be excused; our calendar breaks down, and every one has an excuse, and he is sick, or something is the matter with him, and we have been running a couple of days here trying to fill out the time of the committee.

The Chairman.—I take it for granted that the counsel will notify witnesses whose presence is not required, and unless they do receive notification they have no occasion to bother the counsel. It is necessary for a witness to make some

sacrifice of their time; the counsel and committee are making great sacrifice of theirs.

By Mr. Moss:

Q. They did not serve you with any formal notice to get out?
A. No.

Q. But requested you to leave? A. Yes, sir; told me if I didn't do better by 2 o'clock, about 2 o'clock he would give me a dispossess.

Q. Then, I think, it was you saw Mr. Jerome? A. Yes; that day I went down to Mr. Goff's office and met Mr. Jerome there, and explained to him my matters, what happened, and how I had been treated, and asked if there was not justice for a respectable woman in New York city.

Q. He sent you back to the captain, didn't he? A. Yes, sir; he did.

Q. What did the captain say to you then? A. He ran away from me, up stairs.

Q. Did you tell him Mr. Jerome sent you? A. I did not tell him anybody had sent me; but I told him wasn't he going to do better, you know, and put this woman out.

Q. Did he speak to you? A. Yes, sir.

Q. What did he say? A. He said I was too much of a lawyer for him, that I had better go to somebody —

Q. What? A. He said I had better go to some other person beside him.

Q. And ran away from you? A. Yes; he ran up stairs.

Q. Mrs. Giles gave up the house next door to you on the 1st of the next month, did she not? A. Yes, sir.

Q. But she still continued to do business in one of those houses, does she not? A. Yes, sir; in 245.

Q. Does she really have prostitutes in that house? A. Yes, sir.

Q. You see them there yourself? A. Yes, sir.

Q. You have heard them talk? A. Yes, sir.

Q. You are satisfied of their character and reputation as prostitutes? A. Yes, sir.

Q. Have you seen men going in and out of the house? A. Yes, sir; saw them take them in.

Q. Is that the general reputation of the house in the neighborhood? A. Yes, sir.

Q. Is it a bad house? A. Yes, sir.

Etienne Bayer, recalled as a witness, testified as follows:

By Mr. Goff:

Q. You informed me you had some corrections to make in your testimony yesterday? A. Yes, sir.

Q. And I told you the committee would give you an opportunity to make those corrections this morning? A. Yes.

Q. Go on and make such corrections as you think proper? A. When I left the stand here yesterday I refreshed my memory that Captain Murphy told me that he has got to pay interest on some notes that he wants that money; and I says, "All right," and I gave him that money; he says, "You are acquainted with Mr. Hershberg who was a personal friend of mine — Morris Hershberg."

Q. He is dead? A. Yes, sir.

Q. His brother Aaron is here in the room? A. I don't know anything about Mr. Aaron; it was Morris Hershberg; they used to be in partnership, I believe.

Mr. Goff.—Is Aaron Hershberg here in court?

(No answer.) We have, Mr. Chairman, for the last couple of days experienced the greatest difficulty in getting our witnesses here, I do not know what has occurred to them, particularly the police witnesses. We would have to adjourn this committee to go before the grand jury for a week to look after the recalcitrant witnesses that failed to turn up during the past two days; we might as well stop our work and we would take up the grand jury's time.

Chairman Lexow.—How do you account for it, Mr. Goff?

Mr. Goff.—I don't know, sir, how to account for it; they all seemed to be seized with sickness and disease and other excuses; and we have had our men out almost continuously for the last two nights. We want to make use of all the time of this committee, but at the same time we are experiencing a great deal of difficulty: Has Mr. Hershberg come into court. He was here a moment ago.

Q. Well, go on Mr. Bayer? A. He asked me —

Q. This Hershberg kept a wholesale liquor place? A. Yes, sir; kept then in Paul Bayer's place, he and I together as partners; and the captain asked me if I would not be kind enough to go around on account of it is not in his district to collect the

money; I forgot all about it yesterday; I wanted to refresh my memory.

Q. This committee wants to treat you rightly and properly; then when you stated yesterday, you gave him cash, you were in error? A. No, sir; I did give him the cash; I was not in error, but I forgot to put in a proviso he put in afterward when I gave him \$350.

Q. What about the notes? A. He asked me to go and pay the interest on some notes.

Q. Now, Mr. Bayer, didn't you know at the time that this transaction arose of a fund having been subscribed to in that precinct for the purpose of getting Captain Murphy down into that precinct? A. No, sir.

Q. Did you hear about it? A. No, sir.

Q. Had you not an understanding with Captain Murphy that if he did get down into that precinct he would make you his ward detective? A. No, sir.

Q. Had you any conversation with him whatever? A. No, sir.

Q. Didn't you know that Hershberg and a pawnbroker by the name of Sparenberg had put up money for the purpose of getting Captain Murphy down into that precinct? A. No, sir.

Q. Did you ever hear it before? A. No, sir.

Q. And did you know what this interest was on these notes? A. No, sir.

Q. Knew nothing at all about it? A. No, sir.

Q. That is all the correction you have to make? A. Yes, sir.

Mr. Goff.—That is all. Is Officer Frank Hess in court?

Charles Weisbecker, called as a witness on behalf of the State, being duly sworn, testified as follows:

Q. What is your business? A. Market business.

Q. Where is your market? A. One hundred and Twenty-fifth street.

Q. How long have you been there? A. About 12 years.

Q. Give us the place in One Hundred and Twenty-fifth street? A. Two hundred and sixty-eight and 270, near Eighth avenue.

Q. On the south side of the street? A. Yes, sir.

Senator O'Connor.—Mr. Minor is here claiming he is sick and not feeling well.

Mr. Goff.—Yes, sir; that is the condition of several witnesses we have had under subpoena for two days. I have appealed to the Senators to notify the witnesses. One would think we

had a hospital here, with the number of sick witnesses. I do not wish to discommode anyone, but it comes to this, our lives are made very unpleasant. We will not excuse any witnesses, we can not unless we see good reason, and if we do we will quickly let that witness know. We do not want to keep any man in court here, but we can not go into certain lines of testimony unless we have the witnesses bearing upon that subject, and if one goes we have to go through the whole subject over.

Chairman Lexow.—I should think witnesses would understand it that some of these Senators come 500 miles, and give up their time, and they should submit to a little inconvenience as well as they.

Q. You have had some relations with the police up there in relation to your sidewalk? A. None whatever.

Q. What? A. I have not had any.

Q. You mean to say you have never had any trouble with the police? A. Well, I have had trouble; the boys delivering goods on to the wagon and unloading.

Q. What? A. I said I had trouble with the boys delivering goods on the wagon.

Q. And you have had to pay money? A. Never.

Q. Did you ever say you had? A. Yes, sir.

Q. You did say you had? A. I never paid any.

Q. Did you say you had? A. Did I say I had paid any?

Q. Don't repeat my question; have you ever said to any person that you had to pay money on account— A. No, sir.

Q. You swear to that? A. Yes, sir.

Q. Were you ever asked for any money? A. No, sir.

Q. Were any of your boys ever arrested? A. Well, they were arrested for minor offenses, of fighting one another.

Q. I don't mean that; with relation to your sidewalk? A. No, sir.

Q. Do you say the police interfered with you? A. Well, they complained as the boys were loading up their wagon and would punk up against the people, by punking up—there is no other way of doing it—they complained about it, and I tried to avoid it as much as I could.

Q. Were you ever summoned to the court? A. No, sir.

Q. For obstructing the sidewalk? A. I have not obstructed it.

Q. Were you ever visited by the captain of that precinct? A. No, sir.

Q. Or by the wardman of that precinct? A. No, sir.

Q. Have you seen Captain Meakim this morning? A. This morning; yes, as I came from breakfast.

Q. Why do you repeat my questions; are they not plain enough to you? A. Yes, sir.

Q. Why do you repeat them; are you trying to get breath? A. No; there is no occasion for it; I have seen him.

Q. Have you been talking to him? A. Talking to him as I came from breakfast.

Q. You told him you were a witness subpoenaed here to-day did you not? A. Yes, sir.

Q. Did he ask you what you were subpoenaed for? A. No, sir.

Q. Did he tell you he was subpoenaed as a witness? A. No, sir; he did not.

Q. You told him where you were going? A. Certainly.

Q. What did you tell him that for? A. Well, just casually went by and told him that; I suppose I must have some enemy; I said, I suppose I must have some enemy.

Q. What particular obligation were you under to go and tell Captain Meakim where you were coming this morning? A. None whatever.

Q. Why did you do it? A. Simply a matter of going by.

Q. Are you very intimate with him? A. No, sir; simply that he trades there.

Q. Trades there; did you go to any other of your customers to tell them you had been subpoenaed to the Lexow committee? A. I did not go to any personally, only some in the store might have talked of it.

Q. When did you get your subpoena? A. Yesterday evening, or the day before, I mean; Tuesday evening about 8 o'clock; I was down here all day.

Q. How long has Captain Meakim been dealing at your store? A. He has been dealing there since he has been up there.

Q. How long? A. I could not tell you the exact date.

Mr. Goff.—Stand aside a moment.

Terrence Leonard, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. Where do you live? A. No. 11 Hamilton street.

Q. Where did you get that bruised head? A. Dennis Healey gave it to me.

Q. Who is Dennis Healey? A. He keeps a liquor store corner of Catherine and Oak streets.

Q. That is in the Fourth precinct? A. Yes, sir.

Q. Is Mr. Healey a politician? A. I don't know, sir; he is a liquor dealer; I suppose he is —

Q. You think that is synonymous? A. Yes.

Q. When did Dennis do you up? A. About between 4 and 5 o'clock Sunday morning, a week ago last Sunday morning.

Q. And you still carry the marks of it there? A. Yes, sir.

Q. Did you go to the police court in Centre street, the Tombs court? A. Yes; I went to the station-house first.

Q. What did you do there? A. He told me to go to the police court.

Q. Who told you to go to the police court? A. The sergeant at the desk or captain.

Q. What was his name? A. I could not tell you.

Q. Your head was badly bunged up at that time? A. Yes, sir.

Q. And bloody all over you? A. Yes, sir; bleeding.

Q. And did you tell him Dennis Healey did it? A. Yes, sir.

Q. He told you to go to court? A. Yes, sir; I wasn't able to go until the following Wednesday, as you will see by that summons.

Q. And then you went to the Tombs police court at the time that Judge Grady was on the bench? A. Yes, sir.

Q. Did you state your case? A. Yes, sir.

Q. Did he send an officer to Healey? A. No, sir; he gave me this summons and told me I could serve it myself.

Q. To serve upon the man that had broken your head? A. Yes, sir.

Q. Did he get an officer to go with you? A. No; he said the officer on the beat would go along with me; and I stopped two hours on the corner waiting for an officer, and they stood shy of me, and I waited until 2 o'clock when the officer came out, and I caught him, and he came with me as far as the door, and I went inside myself and asked if he was in, and they told me to look in the water-closet; so I asked the officer if he would come up stairs with me, and he said no, he could not leave his post; so I says, I will go to police headquarters and see Superintendent Byrnes and see if I can not have this served; I went to police headquarters; and they referred me there to Inspector

Williams; Inspector Williams told me I hadn't any business being out that time in the morning; I told him my business called me out at all hours Sundays and Monday; and he told me — gave me no satisfaction, and shoved me right out.

Q. Shoved you with his hand? A. Not him, but one of the officers, in Williams' presence; he passed me right out; I came back to the Tombs, and I asked — the justice was not there — I asked Mr. Nott, the interpreter — I know him a good while; I am an old resident of this city, a resident of 24 years in this part of the city.

Q. You were talking with the interpreter; go ahead? A. He told me I could not get a warrant, so I left in disgust and went home.

Q. That is all you have been able to do? A. That is all; I went to the editor of the Press and made a complaint that afternoon, and I wrote to him afterward to see if he would write it up, and I never heard of it since.

Mr. Moss.—I offer the summons in evidence. It has Judge Grady's own signature upon it.

The summons referred to was marked Exhibit 1, December 13, 1894, L. W. H., and is as follows:

POLICE COURT — FIRST DISTRICT.

City and County of New York, ss.:

The People of the State of New York:

To Dennis Healy:

Greeting.— You are hereby summoned to appear before me at the First District Police Court, 101 Centre street, in the city of New York, on Wednesday the 5th day of December, 1894, at 9:30 o'clock, in the forenoon of that day, to answer a complaint against you, made by Terrence Leonard.

Witness my hand and seal this 4th day of December, 1894.

[L. S.]

THOS. F. GRADY,

Police Justice.

By Senator Bradley:

Q. What were you doing at 4 o'clock Sunday morning? A. Well, I was out with some friends in the early part of the night, and was going home; I had to go home at 8 o'clock Sunday morning, and it was I think a little after 4 o'clock; and I says — my friends and me were going home — and I said to them, "It is

hardly worth while my going home; I want to go to 6 o'clock church," and that I would not wake up my wife for an hour in bed, and I went in the store.

Q. You had no difficulty in getting into the store that hour of the morning? A. No, sir; it is open at all hours; any time I go there.

Mr. Moss.—Is officer Kane in? He has been served. The manager of O'Neill's? Is Officer Kenny here? (Here.)

Thomas A. Kenny, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. Are you a policeman? A. Yes, sir.

Q. Where are you stationed? A. I am attached to the Nineteenth precinct.

Q. Under Captain Schmittberger? A. Yes, sir.

Q. What duty are you doing now? A. I am detailed at the drygoods store of H. O'Neill & Co. on Sixth avenue, between Twentieth and Twenty-first streets.

Q. Are there any other policemen there? A. No, sir.

Q. You are the only one? A. Yes, sir.

Q. Ever been there before? A. I was there last year; yes, sir.

Q. And how long before that—the year before? A. No, sir; I was not there the year before.

Q. Were you ever there before? A. Well, I have been in the employ of the firm.

Q. Before you were a policeman? A. Before I was a policeman, yes.

Q. When did you go to the firm this year? A. On the first of this present month.

Q. How did you come to go? A. I was ordered by Captain Schmittberger to report to Inspector McLaughlin of the detective bureau on the first of the month; I reported there, and Inspector McLaughlin ordered me to go up to O'Neill's drygoods store.

Q. How did you go there last year? A. The same way, sir.

Q. Sent by Captain Schmittberger to Inspector McLaughlin, and by McLaughlin to the store, is that right? A. Yes, sir.

Q. That was last year? A. Yes.

Q. What did you receive from the store last year? A. Nothing at all, sir.

Q. Who paid your salary? A. The police department of the city.

Q. Do you know whether the—did you say it was O'Neill's? A. O'Neill's drygoods store; yes, sir.

Q. Do you know whether O'Neill paid your salary to the department? A. I do not.

Q. You know nothing about that? A. No, sir.

Q. Have you any arrangements about your salary this year? A. None at all, sir.

Q. Did they give you a present last year? A. No, sir.

Q. Is their store in Captain Schmittberger's precinct? A. Yes, sir.

Q. Do you know of any other police officers that are stationed in the stores? A. Well, yes; there are other officers in the different drygoods stores.

Q. It is a custom at this time of the year for policemen to be placed in the drygoods stores, isn't it? A. Yes, sir.

Q. And in large stores of all kinds? A. Yes.

Q. Such as Macy's? A. Yes, sir.

Q. It is common for members of the Central office detective bureau to be placed in these stores, isn't it? A. Well, I don't know of any Central office men being detailed in any of these stores.

Q. Do you mean to say that there are patrolmen from the precinct houses, so far as you know? A. There are all patrolmen to my knowledge; these are transferred down to Inspector McLaughlin's bureau, called the special staff during this time of the year.

Q. Will you mention some of the stores that you know are so policed at the present time? A. Stern Brothers.

Q. Stern's, yes, that is Twenty-third street? A. Yes, sir; Ehrich's; that is all to my personal knowledge.

Q. You did not do any duty in the street at all, do you, at present? A. Well, if I am—no; I don't—I confine myself principally to that store.

Q. Who do you take your orders from in the store? A. Well, I don't get no orders in the store.

Q. What are your duties there? A. To do police duty.

Q. What do you mean by that? A. To protect the people going in there.

Q. Under whose orders are you at the present time? A. Under the orders of Superintendent Byrnes.

By Senator Bradley:

Q. Do you wear your uniform in the store? A. No, sir; I do not.

By Mr. Moss:

Q. A portion of your duty is to protect the store from shoplifters, isn't it? A. I am there, certainly—

Q. That is a part of your duty? A. Yes; to protect O'Neill's interest and also the public.

Q. You are there in a double capacity to protect those who come in the store from any harm, and to protect the property of the firm from any harm from those that come in? A. Yes, sir.

Q. What danger do citizens experience in going into O'Neill's store? A. Well, at this time in the year there is probably on an average 6,000 or 10,000 ladies doing their shopping, and these stores as a rule are infested with pickpockets at this time of the year, and I am there to protect these ladies from being robbed.

Q. And there are also a great many shoplifters going around? A. There are; yes, sir.

Q. Who are likely to pick up articles from the counters from these large stores? A. Yes, sir.

Q. And you are looking out for them? A. Yes.

Q. Who gives you orders about the shoplifters? A. Nobody at all.

Q. Are you left on your own responsibility? A. I am, sir.

Q. Don't you have any talk with the managers of the place about what you shall do? A. No, sir; I know what I am there for, and get no further orders.

Q. Do you report to any station-house or police headquarters now? A. No, sir.

Q. And from the 1st of December to the end of this season you will not report to anybody? A. No, sir.

Q. You are at your own free will; is that so? A. Well, except—

Q. Within the rules of the department, of course? A. Within the rules, of course, and of course I report to the store every morning there.

Q. How is it known by your superior officers that you go to O'Neill's store on time, and that you stay there all day? A. Well, I can not answer that.

Q. You do not have any roll-call, do you? A. No, sir; I do not.

Q. You do not report at roll-call to the station-house or the Central office? A. No, sir; I do not; I report to this firm every morning where I am detailed; and I suppose if I am absent they would send word down to headquarters.

Q. Have you ever done other detective work than the work in this store; I mean as a policeman? A. Well, I have acted as special officer, yes, for a while in the precinct.

Q. Have you been a wardman? A. No, sir

Q. But you have been detailed to special duty? A. To special duty.

Q. Have you worn your uniform in the service constantly? A. With the exception of when I am sent out on special duty; yes, continually.

Q. What kind of special duty? A. Well, excise or houses of assignation.

Q. Have you made many excise arrests? A. No, sir.

Q. How many cases of arrest have you made during this year? A. One.

Q. And how often have you been sent out on excise duty? A. Probably four or five times.

Q. Is that all? A. To the best of my knowledge; yes, sir.

Q. The blotter will show, will it? A. Well, yes; I am correctly saying to the best of my knowledge.

Q. Wouldn't it be more than five times? A. I don't think it would, sir.

Q. And would that mean all night tours or all day tours? A. That meant on the last tour from 12 to 6.

Q. From 12 to 6 at night? A. From 12 at night to 6 in the morning.

Q. Why didn't you apprehend more violators of the excise law than one? A. It was impossible for me to get in.

Q. There were a good many saloons that did business surreptitiously in your precinct during those hours of duty? A. During the time I was sent out the majority of them were closed.

Q. At least you did not get in? A. Well, they were closed; no, I could not get in there.

Q. How often have you gone out on tours of investigation among disorderly-houses? A. Probably four or five times.

Q. Is that all in the year? A. Well, say half a dozen times.

Q. Is that all? A. That is all, sir.

Q. And how many arrests have you made from these houses?
A. None at all, sir.

Q. That was the Nineteenth precinct? A. Nineteenth precinct, yes, sir.

Q. And at various times during this year? A. Yes, sir.

Q. How lately? A. Well, as far I can remember back, it is six or seven months ago.

Q. Why didn't you succeed in getting any evidence in those tours? A. I was not allowed in.

Q. You mean in the houses? A. Yes, sir.

Q. What other detective work have you done during this last year? A. I was on special work, locking up prostitutes.

Q. You mean street-walkers? A. Yes, sir.

Q. How many of those have you gathered in? A. Probably 12 or 15.

Q. How often have you gone out for them? A. It might have been two weeks—three weeks—when I was out continually.

Q. Out continually for two or three weeks, and gathered in 12 or 15 street-walkers? A. Yes, sir.

Q. What has been your habit in getting in these street-walkers what evidence have you required to satisfy you before you arrested them? A. Well, in some cases I have been solicited by them.

Q. And in other cases how? A. I arrested them for walking the streets for the purpose of prostitution.

Q. How do you know they were walking the streets for the purpose of prostitution? A. Because I knew them to be prostitutes.

Q. You knew them to be prostitutes, and you found them walking on the street, and you took them on general principles, didn't you? A. Yes, sir.

Q. They did not in all cases solicit you? A. No, sir.

Q. And did not in all cases solicit anybody? A. No; not in all cases; not the ones that I—

Q. But your custom has been when you have seen a woman walking on the street at night that you knew to be a reputed prostitute that you took her in; did the judge hold those women upon your statement? A. Yes, sir; in each and every case I believe they were fined.

Q. Fined and sent to the Island, if they did not pay the fine?
A. I believe so; yes, sir.

Q. Were any of those women sent to the Island? A. Well, some of them have been fined \$10; I can not exactly tell whether they paid the fine or not.

Q. You did not really know whether they went to the Island or not? A. No, sir; I do not.

Q. Who gave you those instructions? A. To make those arrests?

Q. Yes; to make those arrests in that way? A. I got no instructions from nobody; I done it on my own belief that the law was being violated.

Q. And you reported what had been done to your captain, did you not? A. Each and every arrest I made was recorded on the blotter.

Q. And you told him how you came to make the arrest, or the sergeant at the desk? A. Of course, I explained each and every arrest I made to the sergeant.

Q. Did you testify before the judge in each case that the woman had solicited you? A. In the cases where she did solicit me I —

Q. But there were cases where you testified before the judge that she had only been arrested on general principles, as you put it? A. Yes, sir; where I testified she was loitering for the purposes of prostitution.

Q. What justices have you testified that before? A. Justice Hogan, Justice Ryan, Justice McMahon.

Q. And those judges have convicted the woman upon that kind of testimony, have they? A. Yes, sir.

Q. That is the extent of the detective work which led to your being assigned by your captain to Mr. McLaughlin to do duty in Mr. O'Neill's house, is that so? A. Well —

Q. That is all the detective experience you have had? A. That is all I have had, sir; yes, sir; in the precinct.

By Senator Bradley:

Q. Do you understand that you went out to do detective duty when you arrested those prostitutes without receiving any orders from the captain or sergeant to do it? A. No, sir.

Q. I understood the counsel to ask you who gave you the orders to go and do this special duty, and I understood you

to say that you did it of your own volition? A. No, sir; I acted under the instructions of my captain to go and arrest these women; but I understood the excise question was—

Q. That is the way you answered the question? A. I misunderstood the counsel then; I was sent and ordered by my captain.

Q. You received the orders from the captain to go and perform this special duty; do we understand that? A. Yes, sir; that is right.

By Mr. Goff:

Q. The captain did not know these women; he did not name them, did he; he did not point them out to you, did he? A. No, sir; he did not.

Q. You exercised what judgment you had in making the arrest; it was on your own judgment that you made the arrest? A. On my own judgment, yes, sir; but acting at the same time under the orders of the captain.

Q. But the orders were general orders to arrest improper persons; the orders were general orders, were they not? A. Well, I got special orders.

Q. They were special orders to arrest improper persons; but they were not orders directed to the arrest of any particular persons, or description, or name? A. No, sir; he specified no one in particular.

Q. Outside of your special orders it is your duty as police officers to arrest any person you see violating the law? A. Why, certainly.

Q. So you did not require any general or special orders for that duty? A. Not at all.

Mr. Goff.—Of course that is in line, Mr. Senator, with the testimony already before this committee touching the arrest of those women without any ground or just cause for their arrest.

By Senator O'Connor:

Q. Did you arrest these women without seeing them do anything on the street? A. Yes, sir; in some cases I have.

Q. Has not the woman, even if she is a prostitute, a right to walk the streets? A. Where they are loitering on the streets for that purpose, they have no right to loiter there.

Q. Are you sure every time when you make an arrest of that kind that a woman is loitering for that purpose? A. In each and every time I was satisfied she was loitering for that purpose.

Q. Because you knew the woman? A. Yes.

Q. Did you have any means, unless you knew her personally, by which you could distinguish a woman of that kind from a respectable woman? A. No; with the exception of being on post or around the neighborhood when I made the arrest.

Q. As a matter of fact, is not there generally enough distinction between those women and their acts and conduct and appearance to enable any officer of observation who wants to observe and do his duty, to avoid making a mistake that has been made in two cases before this committee—this Miss Rosenfeld and this lady that was arrested and convicted? A. I never go by appearance, but generally went by actions.

By Mr. Goff:

Q. Did you ever arrest a woman that was convicted as a street-walker or as a prostitute? A. In each and every case they were convicted.

Q. Did you ever arrest a woman that was after, on your complaint, convicted of being a street-walker or prostitute; answer my question? A. I can not understand that question thoroughly.

Q. Read it, please (Question read by stenographer). Did you ever arrest a woman that was afterwards, on your complaint convicted of being a street-walker or prostitute? A. Yes, sir.

Q. Name me one? A. Well, I have a record of those, Mr. Goff; my memory is not very good, and I can not call to mind.

Q. You have told the committee here of the arrest of women on suspicion, and in all these cases described; now, since you have had such a good record of arrests of women that were not convicted, can not you refresh your memory as to the arrest of women who were convicted; that certainly would leave a better impression on your memory than those of the women who were not convicted; can you name one? A. No, sir.

By Chairman Lexow:

Q. Can't you remember one? A. No, sir; I can not.

By Mr. Goff:

Q. Very well, now you, a detective officer of this city, I suppose you, in the pursuit of your duty, walked the street at nights a good deal? A. Well, I am on duty every night.

Q. You were on duty every night? A. Yes, sir.

Q. Did you ever hear that a number of street-walkers, for instance, in the neighborhood of Tyson's, walked there in gangs every night, and no arrests of them is ever made; did you ever hear of that? A. No, sir; that is not in my precinct.

Q. Well, even in your precinct, don't you know that they walked at night in gangs and are rarely ever arrested; Fourteenth street is a grand promenade for them; that is in your precinct? A. The north side of Fourteenth street is, yes.

Q. The north side of Fourteenth street, yes? A. I have never been down around that neighborhood very much.

Q. What? A. I have never been down in that part of the precinct very much.

Q. Well, for instance, do you remember the girl of the name of Clara; one of the girls whose name was Clara, that you were sitting in a saloon with at 3 o'clock one morning on Sixth avenue; did you arrest her? A. I don't remember of—

Q. I will refresh your memory; do you know a gambler of the name of Alf Hyman? A. No, sir; I do not.

Q. Do you remember one morning at 3 o'clock sitting in a saloon on Sixth avenue in company with a gambler, a dark complexioned man that you know very well, and drinking with three girls; one of their names was Clara and another Tillie, does that refresh your memory? A. No, sir; I never remember the occurrence.

Q. Will you swear you were not in a saloon at 3 o'clock in the morning in company with a man and three girls drinking? A. To the best of my knowledge; yes, sir.

Q. Will you swear of what you know; you could not be there without you knew? A. Yes, sir.

Q. Are you sure? A. No, sir.

Q. Then if you had been there you must have had knowledge of being there? A. I don't remember being there.

Q. Is it a matter of such frequent occurrence with you that you do not remember this particular occasion? A. Well, I say I don't remember being there.

Q. I know, but why does your memory fail you; that is rather a striking instance to a detective officer, being in a saloon at

3 o'clock in the morning, the excise law being violated, and with prostitutes in his company, and a gambler drinking with a crowd; that is rather a striking thing; that would impress itself on your memory; do you say after my kindly efforts to refresh your memory that you still forget it? A. I don't remember being in a saloon with anyone.

Q. Will you swear you were not there? A. To the best of my knowledge; yes, sir.

Q. But you will not of positive knowledge; do not say that, officer, "To the best of your knowledge;" you must have had positive knowledge as to whether you were there or not? A. I don't remember being there, sir.

Q. Will you swear you were not there? A. I am saying now, yes, sir.

Q. Do you swear you were not there? A. Yes, sir; I will to the best of my knowledge.

By Chairman Lexow:

Q. You must know whether you were there under such extraordinary circumstances, an officer of the peace, a policeman, in company with gamblers and prostitutes at 3 o'clock in the morning.

Senator Bradley.—How many years ago was this, Mr. Goff.

Mr. Goff.—We will get the season down.

By Chairman Lexow:

Q. You must know whether that occurred, officer? A. Well, I don't say I was not there.)

Q. You say positively you were not there?

Mr. Goff.—He says he will not say he was not there.

The Witness.—No, sir; I say I was not there.

By Mr. Goff:

Q. You swear positively, do you; you know that perjury may be committed here, officer, the same as in a court of justice? A. Yes; I understand that.

Q. And you know that a man can deliberately commit perjury by withholding the truth as well as stating a lie; you know that, don't you? A. Yes, sir; I thoroughly understand that.

Q. Understanding that, will you now swear positively that you were not in that saloon in Sixth avenue? A. Yes, sir; I do.

Q. Positively? A. Yes, sir.

Q. Well, you used the word positively, do you? A. I know I have never been in no saloon with those people you ask me about. |

Q. I am asking about those special circumstances; I have named you the names of two of the women; now, I ask you in view of that, will you swear positively that you were not in company with women of that character, and in company with the gambler at 3 o'clock in the morning drinking there?

Chairman Lexow.— With them. |

By Mr. Goff:

Q. With them, sitting at a table with them; will you swear you were not one of that party? A. Well, yes, sir; I do.

Q. Why do you hesitate so long? A. I was merely— you mentioned names to me, two people I do not know; I state now I do not remember of being in there.

By Chairman Lexow:

Q. It is not your usual habit, is it, to cultivate the acquaintance of that kind of people? A. No, sir; it is not.

Q. If you know as a man that you do not go around with that kind of crowd how is it you hesitated for a short time in replying to a question of that kind; I mean, if you as an honest man and policeman, doing your duty, never associate with criminals of that description, how is it you hesitate for a moment when a question involving a point that counsel made is put to you? A. Well, I wanted to be positive and sure before answering the question; now, I am positive I was not in there.

Q. Is it your usual custom to go around with people of the kind described in the counsel's question? A. No, sir; it is not.

Q. Did you do it at all? A. No, sir; I did not.

Q. Have you acquaintance with those people, and did you drink with them? A. I drink with none of them, except the people who—you mean my acquaintances—have no acquaintances with them at all, except those I arrested as a policeman.

Q. Did you have social intercourse and enjoyment—convivial times—with the lawbreakers in your precinct? A. No, sir; I do not.

Q. Then, why couldn't you answer right up when that question was put, no, that you had never done it in your life with any

body; have you got any mental reservation in answering the question; are you drawing any fine distinction between places and times? A. None at all.

Q. And the particular names of persons? A. None at all, sir.

By Mr. Goff:

Q. Now, officer, what is your partner's name? A. Well, I have been out in company with different officers.

Q. Isn't there one man with whom you associate more than with others—with an officer? A. I have no one as I call a partner.

Q. You understand what I mean in police parlance, your partner as an officer; haven't you got one?

Chairman Lexow.—A chum; that is what you mean.

Mr. Goff.—They go in couples or twos, and the men call each other partners.

A. No, sir; there is none I call a partner.

Q. What detective officers are in that precinct? A. Well, there is Special Officer Savage, there is Day, Callahan, Cosgrove, Jerolamon.

Q. How long have you been in the Tenderloin? A. Since I have been appointed on the police force, on the—

Q. How many years? A. Since I have been appointed, on the 23d of May, 1892.

Q. When were you appointed special officer, or designated for special duty? A. Well, I never done special duty continually; it was only at various times, probably for two or three weeks at the time, and sometimes probably only for a detailed duty; I was not a regular special officer at any time.

Q. You would take off your uniform when you were designated for special duty? A. Yes; on special work.

Q. You know, of course, that the Tenderloin is the most notorious precinct in this city for houses of ill-fame and woman of loose character? A. For what I have heard about it and read about it, yes, sir.

Q. So that your information comes from what you have heard and read, is that it? A. I have known it to be the precinct known as the Tenderloin long before I was a police officer.

Q. I am not asking you about that; my question was about the Tenderloin precinct, the Nineteenth precinct, being the most notorious precinct in the city for houses of ill-fame and women

of loose character? A. I have known the Tenderloin to have that name; yes, sir.

Q. You answer me that you knew that from what you read and information given to you; is that so? A. Well, partly that is so; yes, sir.

Q. Had you any personal knowledge as to the character of the precinct? A. Well, being an officer there I am around the precinct continually; it is one of the largest precincts in the city, and of course there is always a crowd, a continual throng there, all the time.

Q. But, have you any personal knowledge as to the notorious character of the precinct as containing more houses of ill-fame, more women of abandoned character, than any other precinct in the city; have you any knowledge of that as a police officer? A. No; no, sir; I have not.

Q. You have not; well, that is one of the most remarkable things yet testified to before this committee; we have had a good many, but that is the most remarkable; have you any knowledge that in Broadway, and Sixth avenue, and Seventh avenue at night that street-walkers are met by the score; have you any knowledge of that fact? A. I have known that there has been quite a number around that way.

Q. And in Twenty-third street? A. Yes, sir.

Q. A regular procession of them? A. I have seen them there when I was sent out in special cases; that is where I made the most of my arrests.

Q. How many arrests did you make? A. To the best of my knowledge from 12 to 15.

Q. Twelve to 15 arrests out of the hundreds and hundreds that parade the streets at night in the Tenderloin, those were the only arrests you made, from 12 to 15? A. Yes, sir.

Q. Was it at night you made all those arrests? A. Yes, sir.

Q. Were all of those women that you arrested, arrested because they had failed to pay up for the officer on the beat for the privilege to walk the street? A. I have never heard that mentioned.

Q. Is this the first time you heard that mentioned? A. No; that is personally, directly.

Q. And are you as innocent, personally—as innocent of knowledge of that fact as you are of the notorious character of the Tenderloin precinct? A. In reference to the question—

Q. To the street-walkers having to pay to the policemen for the privilege, you, personally, are innocent of that knowledge?
A. Yes, sir.

Q. You have been in the Medalion hotel, haven't you? A. I have been in there; yes, sir.

Q. Did you ever examine the registry in that hotel? A. On one occasion; yes, sir.

Q. Did you make any arrests at the time you examined the registry? A. I did not, sir.

Q. What did you examine the registry for? A. I had been with a gentleman friend, and I wanted to find out whether he had gone there.

Q. You had been with a gentleman friend and you wanted to find out if he had gone there; couldn't the gentleman friend have told you that without going with him, if he had been there? A. We missed each other in some way.

Q. You say you were with a gentleman friend and you wanted to find out if your gentleman friend had gone there? A. Yes, sir; we had missed each other.

Q. And you thought that the Medalion was a likely place for your gentleman friend to be found there? A. No, sir; we had been in company together in the evening and—

Q. Yes? A. And he living out of the city, he did not live in the city, and I thought, probably, he would stop at that hotel, being the nearest one around there.

Q. Now about this friend of yours, you say he was a resident out of town? A. Yes, sir.

Q. Were you showing him the "elephant?" A. No, sir; I was not.

Q. Where was he from—some country deacon? A. No, sir; he was not.

Q. What was he, a come on? A. No, he wasn't no come on; he was a very respectable gentleman.

Q. The fact that he was a respectable gentleman sent you to the Medalion hotel to look for him? A. Yes, sir.

Q. And the Medalion hotel and such places, are they the places your respectable companions generally go to? A. It's the first time that I have been in that place.

Q. I am asking you if the Medalion hotel and such places are not the places where your companions can generally be found at? A. As far as I know the Medalion hotel, I know it to be a respectable place.

Q. You know it to be a respectable place? A. As far as I know of it; yes, sir.

Q. As a special officer—well, of course you are in that condition of baby-like innocence that I don't wish to press you; what time did you report at O'Neill's store this morning? A. About quarter to 9.

Q. What is your hour of reporting there? A. I generally report there at 9 o'clock.

Q. What time did you get home last night? A. Somewhere in the neighborhood of about half-past 11.

Q. You went out again? A. No, sir; I did not.

Q. Where were you at 3 o'clock this morning? A. In my bed.

Q. Were you not at Curtain's this morning at 3 o'clock, Thirty-first street and Broadway? A. No, sir; I was not.

Q. You know the place I have reference to? A. Excuse me, what name did you mention?

Q. Curtain's? A. Thirty-first street and Broadway.

Q. Yes? A. No, sir; I don't know the place.

Q. You don't know the place? A. No, sir.

Q. You say you were in bed at your house this morning? A. Yes, sir.

Q. Are you a married man? A. I am.

Q. Where do you reside? A. Three hundred and nine West One Hundred and Twenty-seventh street.

Q. Occupy a flat there? A. I do, sir.

Q. You were not at Curtain's, Broadway and Thirty-first street, this morning, were you? A. Positively not.

Q. You don't know such a place? A. I don't, sir.

Q. Do you know the Creighton? A. I know that place, yes, sir.

Q. Were you at the Creighton this morning? A. I was not.

Q. You know that to be what is known as an assignation or bed-house, do you not? A. Well, I know it to be the Creighton, outside of that I have never had any other reason to believe it different from a hotel; I was never in the place, I don't know anything about it, except I know it to be the Creighton.

Q. That is your knowledge as a police officer, and sometimes detailed as a special officer of every house in the Tenderloin, is it not—that is the condition of your knowledge? A. No, sir; there is houses known as disreputable houses in the Tenderloin; in the case of that Creighton place, I know nothing at all about, I always thought it was a hotel.

Q. There were houses known as disreputable houses in the Tenderloin? A. Yes, sir.

Q. Are there not now? A. That I couldn't tell you.

Q. Why did you do it if you couldn't tell it? A. Because I have been sent out to get evidence against them.

Q. Will you say now there are no disreputable houses in the Tenderloin precinct? A. To the best of my knowledge I can not say that any of them is open.

Q. Take Mrs. Hermann's, 116 West Twenty-seventh street, for instance, just offhand; don't you know that house is open? A. I never frequent any of them places.

Q. Is it the object of the police force of the city of New York to employ men that would be distinguished for their simplicity and innocence, is that the object you are employed for by the city of New York? A. No, sir; it is not.

Q. Well, of course, I needn't ask you, you never heard of David Canfield's did you? A. No, sir; I did not.

Q. The gambling-house? A. No, sir; I did not.

Q. Never heard of that? A. No.

Q. You never heard of D. Canfield, the gambler? A. No, sir.

Q. Never heard of him? A. No, sir.

Q. Do you know where the Fifth Avenue Hotel is? A. Yes, sir; I do.

Q. Do you know where Madison Square is? A. Yes, sir.

Q. Do you know where the Medalion is or was? A. I do.

Q. Did you look at the register the night you went to look for a respectable friend from the country? A. I did.

Q. Did you find his name there on the register? A. No, sir.

Q. Did you find the assumed name that he had taken, Mr. Brown? A. I saw no name at all; I looked for his correct name.

Q. Do you say that your respectable friend from the country would have registered under his correct name at the Medalion? A. Why, certainly, yes.

Q. That is your simplicity again? A. Yes, sir.

Q. Did you look over that register to find out that a Mr. Smith and a Mr. Jones and a Mr. Robinson and a Mr. Brown and so on had all been occupying the one room during the one night? A. I don't remember any name on the register; I merely looked for the name of the gentleman I was looking for.

Q. You expected to find the name of your respectable friend from the country registered there as Mr. Brown and wife? A. No, sir; I did not.

Q. What is this Medalion, is it a hotel for gentlemen only?
A. As far as I know it is a hotel.

Q. Is there any sign up that it is for gentlemen only? A. I have never seen any sign.

Q. Why did you go to the Medalion instead of the scores of hotels around the neighborhood there? A. Because we had been around that neighborhood.

Q. Now, what street is the Medalion in? A. Between Twenty-third and Twenty-fourth streets on Sixth avenue.

Q. Between Twenty-third and Twenty-fourth streets on Sixth avenue? A. Yes.

Q. That was at one time the St. Homer? A. Yes, sir.

Q. Right next to the Masonic Temple? A. Exactly, yes, sir.

Q. Is that the only hotel in that neighborhood? A. Not directly in the neighborhood.

Q. Your very respectable friend from the country, where was he stopping? A. He had been with me in the evening.

Q. Had he not put up at any hotel? A. No, sir; we missed each other in some way.

Q. You have stated that once; had he put up in any hotel? A. This is the first time I have been in his company as late as I was.

Q. How did you know he was respectable if it was the first time you were in his company? A. I mean at this hour of the night I speak of.

Q. You met him by appointment, did you not? A. Yes, sir; I had known the man for 12 years.

Q. Just answer my question; you met him by appointment to take him around to see the sights of the Tenderloin? A. No, sir; I did not.

Q. What did you meet him for, to go to the theatre? A. No, sir; he came to the store to see me.

Q. To where? A. To the store where I am detailed.

Q. To Mr. O'Neill's store? A. Yes; he is a regular customer there, been for years and years.

Q. Come to see you there? A. Yes.

Q. And made an appointment with you after the store closed? A. Yes, sir.

Q. Where was the appointment to be kept? A. Outside of the store.

Q. And where did you go after you left the store? A. Went up to the Imperial Music Hall.

Q. When you left the Imperial Music Hall, where did you go then? A. We took a walk around.

Q. That was after 11 o'clock? A. Yes, sir.

Q. You did not leave there until after the performance? A. No, sir.

Q. Where did you walk—the Imperial Music Hall is in Thirtieth street? A. Twenty-ninth street.

Q. Where did you walk then? A. Well, we walked around the precinct, around the district, all over, sir.

Q. All over; and at what point did you lose your friend? A. He went into a restaurant between Twenty-third and Twenty-fourth streets, directly in front of the Medalion.

Q. On the west side of the avenue? A. Exactly, to have something to eat.

Q. Where did you go? A. He wanted me to go in and I didn't care for it, and I walked down the avenue and when I came back he had gone out of there.

Q. I don't want to take up any more time with you; don't you know that the Medalion hotel was a hotel where the job was put up in relation to the Granger divorce case? A. I don't know nothing about it.

Q. Never heard of that either? A. No, sir.

Mr. Goff.—I think we will let you go.

Chairman Lexow.—Is there any rule of the police board permitting the detailing of officers to private establishments?

Mr. Goff.—I am not prepared to answer that just now, Mr. Chairman.

Chairman Lexow.—You remember we had the testimony of that English representative, who stated that the officers detailed in Europe to establishments, paid the men their wages?

Mr. Goff.—There is a similar custom here. I am not prepared to say as to the rule.

Abraham Heyman, recalled, testified as follows:

By Mr. Goff:

Q. Do you know the officer who has just left the witness stand? A. Yes, sir.

Q. Where did you see him last before seeing him in the court-room? A. About 3 o'clock this morning; I was in Twenty-ninth street and Sixth avenue and he was in there with his partner.

Q. Who is his partner? A. I don't know his name, he has got a black mustache, he is dark complexioned; he is the head wardman of the precinct; I see him in there every night.

Q. Twenty-ninth street and Sixth avenue? A. Twenty-ninth street and Sixth avenue.

Q. What is it, Murphy's saloon? A. On the northeast corner.

Q. What is the name of the saloon? A. B. K. Murphy.

Q. Were you talking to him? A. Yes, sir; I was sitting in a little box.

Q. In a box? A. Yes, sir.

Q. What you call a box? A. Where you sit down, where the ladies go in and sit down and drink; and he happened to come in there and he spoke to a lady and he recognized me, at least his partner recognized me, as being one of the Lexow committee witnesses.

Q. Now let us see; you say you spoke to a lady; was that lady in your company? A. That lady was not in my company.

Q. Was she an occupant of this box? A. She was an occupant of the box.

Q. Were there other ladies besides herself? A. Yes.

Q. How many? A. Two.

Q. Do you recollect the names of these ladies? A. One was Bertha, one was Clara, and the other one, I can not recollect the name; he ordered the drink.

Q. Who ordered the drink? A. His partner ordered the drink.

Q. This officer's partner? A. Yes, sir; he walked out and ordered the drink at the bar.

Q. Any harm in asking you what you had? A. I had a glass of beer, and the lady friend I had with me had a glass of beer, but they put some whisky in the beer.

Q. Who did? A. I don't know, I think it was his partner; I don't know.

Q. How do you know they put whisky in the beer? A. Because I smelt it and I tasted it.

Q. You tasted it? A. Yes, sir; it was a put up job, because I was a witness on the Lexow committee.

Q. To get your girl drunk? A. To get my girl drunk, exactly; they offered \$25 to have me locked up.

Q. Offered who? A. Officer Repper, Charley Repper offered \$25 to get me drunk so he could lock me up.

Q. When was that? A. That was just about two weeks ago; he offered \$25 to get me drunk.

Q. To whom did he offer the \$25? A. To a certain lady.

Q. To another lady? A. Yes; and I spoke to the captain, and he told me to come down town; I spoke to Commissioner Sheehan; I spoke to Captain Schmittberger, and he told me he is tired of getting reports about Officer Repper, and he told me to come down town; then I see Commissioner Sheehan, and Commissioner Sheehan told me to come down town.

Q. To see who? A. To see you.

Q. To see the Lexow committee? A. To see the Lexow committee.

Isaac Stern, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff.

Q. You are a member of the firm of Stern Brothers, Twenty-third street? A. I am, sir.

Q. Do you employ police officers in your store about the holiday time? A. We do, Mr. Goff.

Q. How many? A. I think we have three at present, generally from three to four; we have three this year, this month rather.

Q. You make application for these men to the police board? A. We do.

Q. And I understand that you pay them? A. We send them a check; we receive a bill from them for the services of these men, and we send them our check for it.

Q. And about how long a period before Christmas do you employ these men? A. We generally take them for the month of December, from the first to the end of December.

Q. I suppose it is the custom of your house to give to these men presents? A. When they get through with us, yes, we give them a few dollars for a Christmas present.

Q. You have a private detective of your own? A. We have.

Q. Is there any understanding between these policemen assigned to your store that they shall be subject to your orders?

A. They are in a certain way; they are assigned to duty in our store and are under our orders; for instance, we wish him to

watch a certain part of the store, and they are told to do so; otherwise there is no understanding.

Mr. Goff.—I think that will do, Mr. Stern. The rule of the department I find having any bearing upon the subject is Rule 165: "No transfer, detailment or assignment to special duty of any member of the police force, except in cases authorized or required by law shall hereafter be made or continued, except for police reasons and in the interests of police service, and then only by the board of police at a meeting thereof; provided however, that the superintendent may whenever the exigencies of the case require it, and the approvement of the board can not be obtained, make detailments for a period not exceeding three days, at the expiration of which the member or members detailed shall report for duty to the officer of the command from which the detailment was made." That is the only rule that I can find having any bearing upon this matter at all.

Chairman Lexow.—That does not give any such power at all. This seems to be a matter within the province, as far as our testimony here goes, of any police captain.

Mr. Goff.—Yes.

Chairman Lexow.—Without reference to the report at all. Senator O'Connor.—Read it again.

Mr. Goff.—"No transfer, detailment or assignment to special duty of any member of the police force except in cases authorized or required by law shall hereafter be made or continued except for police reasons, and in the interests of police service, and then only by the board of police at a meeting thereof."

Chairman Lexow.—So this seems to be a violation of the rules of their own department.

Senator Pound.—Are the rules binding on the department.

Mr. Goff.—Oh, yes.

Senator O'Connor.—Might it not be very well claimed the assignment of police to a place like Macy's or Stern's, during the holidays was really in the interest of police service of the large crowds of people.

Mr. Goff.—This is an elastic phrase: "Police reasons."

Chairman Lexow.—Then it has got to be done by the board.

Mr. Goff.—Yes; assignment made by the board.

Chairman Lexow.—Apparently the object of that rule is to have the applicant before the board, setting forth the reasons of the request and acting upon it in a public and open manner.

Mr. Goff.—There is no question at all as to the power of the police captain, that he has not such power.

Chairman Lexow.—But they exercise it, do they not.

Mr. Goff.—There may be some special statute on that subject, that I am not acquainted with just now, covering the general department applicable to that power.

Senator O'Connor.—There is this statute authorizing the appointing power to appoint any man at the request of institutions of that kind, and giving them all the powers of policemen; but that policeman is to be paid for by the person at whose request the appointment is made.

Mr. Goff.—Those are specially made, not members of the force.

Senator O'Connor.—Exactly. Why may not that rule there refer to the board of police having to make these appointments.

Chairman Lexow.—That only refers to policemen.

Mr. Goff.—Policemen. It says, of any member of the police force, no transfer, detailment or assignment of any member of the police force. Now, of course, it is within, according to the statute, the power of the commissioners to enroll 500 special policemen, if they want to, that they are only special for that special occasion.

Chairman Lexow.—Instead of doing that they emasculate the force itself, take men from the force at the expense of the State and practically assume the custodianship over property.

Mr. Goff.—That is the whole question.

Chairman Lexow.—At the expense of the city, I mean.

Mr. Goff.—At the expense of the city.

Mr. Moss.—Senator Bradley spoke of the laws of 1877.

Mr. Goff.—Touching the general assignment, the Senator has reference to.

Chairman Lexow.—Where do these checks go that are paid out for special services. Is there anything in the returns of the department that show the use of the money, the expenditure of it?

Mr. Goff.—I am not prepared to say to the contrary. Mr. Stern makes those checks to the treasurer of the police department, and we must assume, of course, that the department becomes the recipient of the money. I am not prepared to say to what fund that money is credited.

Chairman Lexow.—It may go into a pension fund.

Mr. Goff.—There was a receipt from Mr. Gott, the treasurer's clerk of the pension fund, receipt of Mr. Tiffany's for such payment.

Chairman Lexow.—That is manifestly improper, is it not?

Mr. Goff.—It would seem to me, though I would not like to say that conclusively or finally, that the money goes into the pension fund.

Chairman Lexow.—Assuming it does, it would be manifestly improper.

Mr. Goff.—Manifestly improper.

William S. Muxlow, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Moss:

Q. You are in the express business with your father? A. Yes, sir.

Q. Whereabouts? A. One thousand two hundred and eighty-seven Third avenue.

Q. You and your father were arrested some years ago on a charge of murder, were you not? A. Yes, sir; my father, not I.

Q. But you were arrested at the same time? A. Yes.

Q. Who arrested you? A. I forget the person's name, but the captain, Captain Gunner, and Mr. Campbell was up around the place looking for information, and after a while I think it was Campbell that took my father down to the station-house.

Q. Wardman Campbell came up? A. Yes, sir.

Q. That is the same gentleman we had on the stand the other day, two days ago? A. I think so.

Q. He was wardman of that precinct? A. Yes, sir.

Q. Samuel J. Campbell, I think his name was; Mr. Campbell took you and your father down to the Fifty-seventh street police station? A. From the station-house next morning, yes, sir.

Q. And when you were on the steps of the court building what did Mr. Campbell say to your father in your presence? A. We walked down Fourth avenue; when we come to the court steps Mr. Campbell stood there for a couple of seconds; he turned around to my father and said, well Harry I have got it all fixed for \$500, it is all fixed with the captain, and so on, if you will give me \$500 there won't be no more bother about

it; my father said, no, sir; I will not give you \$500; for what; and with that they went into the court-house.

Q. Now, that was a case where the charge was murder? A. Yes, sir.

Q. And this man Campbell told you he had it fixed? A. Told my father.

Q. Told you father he had it fixed, and would take care of your father, see no harm would come to him, for \$500? A. Yes, sir; that he shouldn't be locked up, he could go out of court that same day.

By Chairman Lexow:

Q. And that was a charge of murder? A. Yes, sir.

Senator Bradley.—Is that the man that keeps the coal yard? Mr. Goff.—Yes.

Mr. Moss.—And who traded in horses and such like?

Q. Now your father didn't pay that, did he? A. No, sir.

Q. And the case went on; he was represented by Mr. Howe, was he not? A. Yes, sir.

Q. What was the result of the case? A. My father was honorably discharged.

Q. What was Mr. Campbell's conduct toward your father during the process of the case? A. Well, he tried everything, he tried to get all the evidence he could against my father and he couldn't get nothing; he was down at the coroner's jury; Mr. Campbell tried his utmost, produced everybody he could and nobody could prove anything.

Q. That was after he had been refused in his demand for \$500? A. Yes, sir; at the coroner's jury.

Q. Up to that time he said he was all right? A. Before that time.

Q. Before the refusal, but after the refusal he did all he could to get witnesses against your father? A. Yes, sir.

By Chairman Lexow:

Q. He was apparently retained on the other side?

Mr. Moss.—Yes.

The Witness.—(Resuming.) And my father told Lawyer Howe about it, and Lawyer Howe give him a good talking to in the coroner's room.

Q. Talked to Campbell? A. Yes, sir; Lawyer Howe; Campbell was going to take my father off, he said, "Come on here," taking him up to Fifty-seventh street station again, he talked to him very unruly and said come on and was going to pull him; so Lawyer Howe said to, I think it was the coroner, "Your honor, would you please let me take charge of the prisoner and see him up to the Court-house;" and the coroner granted him that permission, that Lawyer Howe was to take my father up; he said, "You take charge of this man," "No sir, you will swear his life away;" that is what Mr. Howe said to Mr. Campbell.

Q. So Mr. Howe took your father to the station? A. Yes, sir.

Q. And after that in the course of the case, your father was discharged? A. Yes, sir.

Q. And you also? A. Yes, sir; I was not held at all.

By Senator Bradley:

Q. Did Howe mention the fact of Campbell asking \$500 off your father before the coroner? A. I think he had made a statement of that.

Q. Made it public at the coroner's office? A. I think he did; yes, sir.

By Mr. Moss:

Q. Are you sure that he made such a statement? A. I can not recollect.

Q. If you are not sure don't say it? A. No, sir; but I know he made the statement coming down stairs.

Mr. Moss.—The reason that we have not produced Muxlow, Sr., it that he is now attending before Judge Martine as a juror, and it seems hardly necessary to add his testimony to this now.

John Collins, called as a witness on behalf of the State, being duly sworn, testified as follows: }

Examination by Mr. Moss: (

Q. You reside at No. 48 Buffalo avenue, Brooklyn? A. Yes, sir.

Q. You used to live in New York city? A. Yes, sir.

Q. Did you keep a saloon in this city? A. No, sir.

Q. Where were you? A. I never kept no saloon in this city.

Q. Where were you in the city? A. I used to sell glassware, go around selling glassware to liquor stores, tumblers and all that kind.!

Q. Where was your place of business? A. I used to buy them off Mr. Wagoner, in Church and Murray, and sell them around stores myself.

Q. Where did you live? A. I lived in Allen street, sometimes in Brooklyn, sometimes in Essex street.

Q. Did you have any business except the glassware business? A. No, sir.

Q. Never had any other business? A. Yes; I was in the cigar business in Brooklyn.

Q. Had you any connection with any liquor business in New York? A. No, sir.

Q. What was it that you paid \$50 a month to the police for? A. I never paid a cent; I guess I am the wrong man.

Q. I have got the wrong man? A. I think so.

Q. That is just the location around Allen street; do you see any police officer in the court that you know, outside the railing there by the door (indicating)? A. I don't know; I see that captain though many a time in the Tenderloin (indicating).

Q. You are the right man, Mr. Collins; now what did you pay Captain Allaire \$50 a month for? A. Never paid him a cent.

Q. What made you say you paid him \$50 a month? A. I never said so; I say I know him by eyesight to see him.

Q. What made you say to any one you paid him \$50 a month? A. I never said to any one that I know of; I don't remember ever saying it.

Q. Will you swear you never said it? A. I don't know about that; I say a good many things when I get a little beer in me.

Q. You don't lie when you have beer in you, do you? A. Sometimes I might.

Q. Do you? A. Sometimes I do.

Q. Do you think you said this while you had beer in you? A. I don't know; I couldn't say.

By Chairman Lexow: !

Q. Is it your experience that you tell falsehoods when you are in beer? A. Yes, sir.

Q. Other people tell the truth, they say, when they are in that shape.

By Mr. Moss:

Q. Now, you won't say that you didn't tell someone that you paid him \$50 a month, will you? A. I don't know; I don't remember that I ever did.

Q. Will you swear you did not pay him \$50 a month? A. I will swear that I never paid him \$50 a month; yes.

Q. Will you swear you never told anyone that you paid him \$50? A. I don't know what I told when I was in liquor.

Q. Will you swear you did not tell anyone that? A. I couldn't swear whether I did or not.

Q. Will you swear that you did not; that calls for yes or no; A. Well, I don't think I did.

Q. Will you swear that you did not, under oath—yes or no; now think about it? A. I don't like to swear whether I did or not; I can't tell whether I did or not; as I say, I may have done it in liquor; I might have said so in liquor.

Q. Why might you have said so? A. I don't know; I talk a little too much when I get beer into me.

Q. You did talk a little too much; but you don't talk fairy tales when you are in liquor, do you? A. I don't know; I never give the man a cent in my life.

Q. You don't talk about things that are entirely foreign to your life when you are in liquor, do you; if you said anything about Captain Allaire it must have been because you had something to do with him? A. I have never spoke to him in my life.

Q. Never spoken to him? A. Never spoke to the man; no, sir.

Q. Did you speak to anyone that was close to the captain, any other policeman? A. No, sir.

Q. What policeman other than Captain Allaire did you give money to you—think carefully? A. I gave no money to anybody, sir.

Q. Yes, you have given money to somebody, that is too general an answer, and shows how far you are willing to go; you swear you never gave any money to anybody? A. I didn't mean that; I will take that back.

Q. What is it you mean? A. I give Detective Hess \$9 or \$9.50; I don't know which, at one time.

Q. What for? A. To get a woman out of prison.

Q. And did he get her out of prison? A. She got out.

Q. When was that? A. That was about 18 or 20 years ago, I guess.

Q. That is a long time ago, and you remember it well—is Hess on the force now? A. I don't know; I haven't seen him.

Q. He was Allaire's wardman, was he not? A. He was on there the time—yes, sir.

Q. You see we are getting closer and closer all the time; tell us some other policeman you paid money to? A. That is all, sir.

Q. And you have taken the pains to put that away off, have you not? A. I can remember better what happened years ago than I could what happened last week.

Q. It might have happened a little while ago that you gave some money to Captain Allaire, and you have forgotten it, may you not? A. No, sir; I never give Captain Allaire a cent.

Q. How about Captain Allaire's wardman; did you ever say that you had given his wardman any money? A. Which one do you mean, which wardman?

Q. Either of them? A. Well, Mr. Hess, I give money to Hess; that is all I ever give.

Q. You gave some money to Frank Wilson? A. No, sir; I did not.

Q. What did you say you did for? A. I didn't say that last night at all.

Q. I am not speaking about what you said last night? A. When the subpoena man come I never said I give money to Wilson; I said I had seen him on the beat.

Q. Who did you tell? A. I don't know; they called him the "Angel."

Q. I am not asking what you said to Dennett; what you said can be proved by two witnesses who live in the city of Brooklyn and who heard you talking when you were not in your cups, neighbors of your; now, why did you tell two neighbors of yours in Brooklyn that you had paid \$50 a month; I have their statement in my hand—\$50 a month for 10 years to Captain Allaire; what did you tell those neighbors? A. If I told that I told a lie; I never did.

Q. What? A. If I told that I told a lie.

Q. And that is so, whether you were in your cups or not? A. Well, if I did say it, I must have been drunk.

Q. Are you looking at Captain Allaire now, or is he looking at you? A. No, sir; I see him sitting down there.

Q. Are you in the habit of telling lies? A. I say when I get a little tight I do.

Q. I am talking about a time when you are not tight? A. Once and a while I do tell a little lie, yes.

Q. You say a little lie; do you ever tell a big lie? A. Well, I don't know.

By Chairman Lexow:

Q. Do you think that is a little lie to accuse a police officer of a crime that would send him, if true, to State's prison—do you consider that a little lie? A. As I said I might have said it when I was drunk.

Q. Are you apt to charge persons with crimes that would send them to State's prison when you are drunk? A. Well, I wouldn't like to, but I have done it many a time.

Q. Now, you must tell the truth here? A. That is what I am doing.

Q. You must not implicate anybody necessarily, that is, you implicate nobody by telling a lie against them; on the other hand you must tell the truth even if it does implicate them? A. I know that.

By Mr. Moss:

Q. It is no small thing to make a charge of this kind against a captain, because if it is not so it implies some consequences to yourself; therefore I do not assume you are lying or talking fairy tales when you made that remark; now, having refreshed your recollection and calling your attention to the conversation with your two neighbors in the city of Brooklyn about Captain Allaire, I ask you again why did you make that remark? A. I couldn't tell.

Q. Might it not have been that you paid money to people that represented Captain Allaire? A. No, sir.

Q. Are you not hiding behind something of that kind? A. No, sir; I am not; the only money I paid was to Hess.

By Chairman Lexow:

Q. Have you sworn that the only money you ever paid to Hess, was 20 years ago? A. About that, as near as I can give it, 18 or 20 years ago.

Q. And you mean to remain on the record here as saying that since that time you have never paid money to anybody? A. No, sir.

Q. You swear to it? A. Yes, sir.

Q. And if ever you have said anything to the contrary, you were lying? A. I was lying, yes, sir.

Chairman Lexow.—Nice sort of decent member of society you must be.

By Mr. Moss:

Q. Did you pay any money to Jake Wade? A. No, sir.

Q. You know him? A. Yes; I would know him if I seen him.

Q. He was a partner of Mr. Hess', police partner, was he not? A. I don't know; I used to see him around.

Q. How about Officer Sullivan, he was a wardman, too, did you pay him any money? A. I didn't know the man, Sullivan; I don't remember him.

Q. How about Officer Hoffman; did you pay him any money? A. No, sir.

Q. How about Officer Dougal; did you know him? A. No sir.

Q. Now, you are willing to be put down squarely on the record, which may be used against you on a charge of perjury, that you did not pay any money to Captain Allaire or to any other policeman except Hess, is that so? A. That is so.

Q. What money did you pay to any civilian for purposes of protection? A. Paid nobody.

Q. Nobody at all? A. No, sir.

Q. And you mean to put it down squarely on the record now that this \$9 or \$9.50 is all the money that you had paid for protection or for the purpose of staving off or evading the process of the law? A. Yes, sir.

Q. That is all? A. That is all, sir.

By Chairman Lexow:

Q. Or for any other purpose, to any policeman? A. No, sir; I never did.

Mr. Goff.—Sergeant Mulvey in court?

(No response.)

Mr. Moss.—Is Henry W. Meyers here?

Mr. Meyers comes forward in response to the call.

Max Sanftman, a witness called on behalf of the State, being duly sworn, testified as follows:

Mr. Goff.—Before Mr. Moss proceeds with the examination of this witness, I wish you would request, either now or at the time of adjournment, every witness under subpoena here to be prompt in this court-room on the reconvening of the committee to-day. We have experienced a great deal of difficulty in trying to get our witnesses together.

Chairman Lexow.—When this committee adjourns, it will adjourn until half-past 2 o'clock, and all witnesses under subpoena not examined when we adjourn, must be here promptly at half-past 2 o'clock. The committee will then continue work at half-past 2 o'clock sharp.

By Mr. Moss:

Q. How many bonds have you been on in the Essex Market court? A. None now.

Q. How many have you been on during the last five years? A. On two or three.

Q. More than that? A. That is about all, two or three.

Q. Two or three? A. Yes, sir.

Q. Who asked you to go on these bonds? A. Mr. Smith

Q. Charles Smith? A. Yes, sir.

Q. What did he say to you about it? A. He guaranteed to me that they will appear in court at the time.

Q. Were you a man of property at the time? A. Store-keeper.

Q. I wish you to refresh your recollection between now and recess and see if you can not think of more bonds you went on; you bought a liquor store from James Pomeranz in 1892? A. Yes, sir.

Q. And this Pomeranz lived in the rear of Silver Dollar's saloon? A. He used to live there.

Q. Was Pomeranz on bonds? A. He give bonds.

Q. For Charles Smith, did he not? A. Yes, sir.

Q. And a great many of them? A. Oh, yes.

Q. You saw him in court frequently? A. Yes, sir.

Q. And saw him give bonds? A. Yes, sir; he won't deny it.

Q. How was the arrangement made for these bonds, the financial arrangement? A. The financial arrangement was with Mr. Smith.

Q. Smith got the money from them? A. Of course.

Q. To furnish Mr. Pomeranz? A. Certainly.

Q. And gave Mr. Pomeranz various kinds of protection for that, did he not? A. Yes, sir.

Q. Pomeranz ran a little game, did he not? A. He was bondsman at the time he got the little cigar factory; you haven't got it right.

Q. He ran a game afterwards? A. After that he bought a saloon at 80 or 82 Essex and had a little game in the back.

Q. Well, Mr. Hochstein and some of Herman Sugar's friends went to Smith and protested against Pomeranz having that; they said it took their trade away, the gambling trade? A. Yes, sir.

Q. It was an opposition? A. Yes, sir.

Q. And after that complaint by Smith's particular friends, was a police action begun? A. Yes, sir; Mr. Bonkell, he has a very fine reputation, went before the Hon. Justice Hogan.

Q. I see you put the honorable before it with emphasis — do you know him? A. Pretty good.

Q. These persons of salubrious reputation went before the Honorable Judge Hogan? A. Yes, sir.

Q. What did they do? A. Swore they looked through the window of the yard and that they see playing at that time; I am positive there was no game went on; they never see playing at the time; they perjured themselves; they were sent up to put up a job by a regular gang, Essex Market gang put up the job.

Q. You mean to say that Schindler and Bonkell were part of Smith's gang? A. Yes, sir; he owns property from that money-making and people putting up jobs.

Q. And do you mean to say from your knowledge of the east side and your particular knowledge of Smith that he has a gang there? A. Regular organization; you couldn't convict them people neither; you couldn't convict them people in court neither; it is an organization to represent witnesses to condemn people if they have no money; if they have money to give they are innocent; they perjure themselves if they pay money; one case happened in that court yesterday.

Q. So that they run the court? A. One man was perjuring himself in that court and got paid for it for the purpose of drawing money for another man.)

Q. Now, Mr. Smith owed this man Pomeranz \$75 for cigars? A. Yes, sir; so he told me.

Q. And Smith had promised Pomeranz protection? A. That he would have the case dismissed.

Q. He had promised him protection in his gambling business on account of that \$75, had he not? A. Yes, sir.

Q. So that when Pomeranz was arrested he went to Smith to claim that protection? A. Yes, sir.

Q. And what did Smith say to him? A. He said he can't do nothing here, he will have him discharged at Special Session.

Q. Do you know what lawyer Pomeranz engaged? A. He didn't engage no lawyer at all until the trial come off; he asked Mr. Smith to send down to Special Sessions; Mr. Smith sent down to the Hon. Max Hochstein; he sent him down to introduce him to his friend Colonel Stacom.

Q. You mean John Stacom? Yes, sir; we call him Colonel Stacom; that's the way we call him; and Hochstein told him to pay him \$15, and told him to plead guilty and he paid \$50.

Q. He pleaded guilty and was find \$50? A. Yes, sir.

Q. It is very common thing for a man to plead guilty of keeping a gambling-house? A. Yes, sir.

Mr. Moss.—I have seen myself woman convicted of keeping disorderly houses and fined \$25? That is a very common thing. Think of a fine of \$25 for keeping a disorderly house.

Q. Mr. Pomeranz was fined the \$50? A. Yes, sir.

Q. And paid his fine I believe? A. Paid by pawning his wife's clothes and getting the money to get it to pay.

Q. This Pomeranz and you had some conversation? A. Yes, sir; he come to me and ask my advice to get even with them people that ruined him.

Q. What did you tell him to do? A. To write a letter to Inspector Byrnes.

Q. Was he inspector then or superintendent? A. Superintendent.

Q. And did Mr. Pomeranz write that letter to Mr. Byrnes? A. Yes, sir.

Q. In your presence? A. Yes, sir.

Q. Who mailed it? A. Myself.

Q. You mailed the letter? A. Yes, sir.

Q. Was it stamped? A. Yes, sir.

Q. What did that letter state? A. It stated the places that are protected by that party, and after he paid this money he couldn't be let run his place.

Q. It stated certain gambling-houses? A. Yes, sir.

Q. As being protected by Hochstein and Sugar? A. No, sir.

Q. By whom? A. By Hochstein and Charlie Smith.

Q. And did it speak about this job that had been put upon Pomeranz? A. No, sir.

Q. Did it call attention to the class of men that patronized those gambling-houses? A. Yes, sir.

Q. What did you say about them? A. We told him in the letter that if a man is only a pickpocket he is not recognized in the place, he must be a burglar.

Q. They were so advanced in criminality? A. If he was a pickpocket they did not recognize him at all.

By Senator Bradley:

Q. He couldn't become a member unless he was of a higher grade than a pickpocket? A. Yes, sir; that is the principal part of the association; last night business people spoke to me; I live 19 years in that neighborhood, and begged of me to protect them; it is impossible to live there with the gang; they can convict any man they want to, and they can make free any man they want to, because they have got their witnesses; the leading man is Martin Engel; he owns property over \$200,000, got from ruining people.

Mr. Moss.—You can see what power these men have when they have lots of men swearing to anything, and police officers to make arrests, and judges holding them and discharging them at will.

Chairman Lexow.—If the situation is such as indicated how is it there has not been a revolt down there.

Mr. Moss.—The class of people are largely those who have come from foreign countries, countries where they have been used to that sort of thing, and supposed this government just about the same, and perhaps a little worse, than the place they came from; they are largely Polish Jews and Russian Jews and foreigners of that class, who have small understanding of the English language, and no knowledge of our custom — who are like Mrs. Herschel and men like Franco. Those are the class of people that are terrorized by this gang.

Chairman Lexow.—Why do you not call some of those police justices?

Mr. Moss.—I think we shall.

Chairman Lexow.—I think it would be advisable. This is one of the important branches of this investigation that has not been sufficiently touched upon to enable us to reach any conclusion at all.

Mr. Moss.—I think that the evils perpetrated by these judges, some of them, are even worse in their results than the evil practiced by the police.

Chairman Lexow.—It seems to me that any evil of that kind permitted by a judge is 10 times worse than that committed by any other individual.

Senator Bradley.—Would it be possible for these things to happen if the judges discharged their duties properly.

Mr. Moss.—No.

Senator Bradley.—It would be impossible.

Mr. Moss.—Of course, I myself have been before some of these judges for the society which I represent, and know what it was to be sat down upon, and outraged and browbeaten.

Senator O'Connor.—These judges know the character very well of these people and to what extent they ought to rely on their testimony; they know the locality, the class of people there, and notwithstanding that they assume to take their oaths and their evidence with the same credit that they would give to decent people.

Mr. Moss.—Yes. What decent court would convict Mrs. Herschel.

Chairman Lexow.—If they put up a job on that woman and swore her liberty away, it doesn't seem to me the judge would be responsible unless he knew the character of the people that were swearing against her. If you say here that the situation was such that the judges know that these straw bail bonds are being given, that these people get together and conspire to ruin and imprison their fellow citizens, and exercise a reign of terrorism in that district, then if the judge knows those facts and works in with them it seems to me the case is plain.

Senator Bradley.—The witness says to me that the judges eat and drink with these people and know the character of the people well.

Mr. Moss.—You will find in Mr. Smith's saloon, I think we have a photograph of it, a great framed resolution upon which are the names of our very best people of a certain class hanging up in that saloon, and some of the judges.

Chairman Lexow.—You tell just what you know about all these circumstances and you have the assurance of this committee that you will have protection, that is to say, nothing more will be done against you if that statement is shown to be true, the Senate of this State and Assembly will take care of that.

The Witness.—I am much obliged to you; I know I will be protected; I think I am man enough to protect myself, I am 22 years in this country and I know my rights; they won't touch me; they touch the ignorant people; they won't touch me.

By Senator Bradley:

Q. Can you distinguish any difference any day in the week—any day of the seven in Essex street—is there any difference in the occupation and conduct of the people? A. Of course.

Q. I mean to say, can you distinguish Sunday from any other day in the week in that neighborhood? A. No, sir.

Senator Bradley.—I think there is where the root of the great evil is.

Chairman Lexow.—The committee stands adjourned until half-past 2 o'clock. The witness is directed not to speak to any one with reference to his testimony meanwhile.

AFTERNOON SESSION.

December 13, 1894.

Present—Senators Clarence Lexow, Edmund O'Connor, Daniel Bradley and Cuthbert W. Pound.

Also counsel as before.

Max Sanftmann, resumed the stand, and examination continued.

By Mr. Moss:

Q. You said that you wrote a letter to Superintendent Byrnes?

A. Yes, sir.

Q. And mailed it? A. Yes, sir; I mailed it myself.

Q. You wrote it yourself? A. No, sir; I mailed it myself; I dictated the letter.

Q. And that letter detailed a number of gambling-houses frequented by very bad people, where gambling was going on? A. I specified.

Q. Within a day or two after that letter was mailed to Mr. Byrnes, what happened? A. Our ex-captain, Honorable Captain Cross, sent down the same great officers, Schindler and Bonkell to Mr. Pomeranz to go to the court, to Essex Market court, and swear out a warrant against them places.

Q. Did they know of the letter sent to Mr. Byrnes? A. Mr. Byrnes referred the letter to the captain.

Q. Referred your letter to the captain? A. Yes, sir.

Q. Did you give Mr. Pomeranz any advice upon that matter? A. Yes, sir.

Q. What was it? A. Not to go to the court.

Q. What did you advise him to do? A. I told him if he got to court as soon as he goes for a warrant the people would get notice of it and they would clear out.

Q. You told him the people would get notice of it if he went to court? A. I told him as soon as he would apply for a warrant those people would get notice of it and everything would be cleaned away.

Q. What did you do about it? A. Advised him to see Mr. Comstock; and I went myself.

Q. And with the assistance of Mr. Comstock a case was made? A. I was up with Mr. Pomeranz with two complainants, where they gambled their money away and they were robbed; he took the statement of us; I was interpreter only.

Q. Do you remember the names of the persons against whom complaint was made? A. I don't remember; if I did, I would with the greatest pleasure give it to you.

Q. I will supply that later; I have heard from Mr. Comstock; well, you went with these witnesses to headquarters, didn't you? A. Mr. Comstock sent one of his men with a statement which we made with us to the police headquarters.

Q. You waited outside, didn't you? A. I didn't go inside the police headquarters; I was in Weffermann's place, corner of Bowery and Houston; I was not a complainant in the case; I was only interpreter.

Q. You were requested by Comstock's men to see the inspector? A. The inspector wants to see me.

Q. Did you see him? A. Yes, sir.

Q. Who was the inspector? A. Inspector McLaughlin.

Q. Did the inspector ask you what you knew about it? A.

Yes, sir; I told him I didn't know anything about it; I was only interpreter to these people.

Q. Did you interpret their story to Inspector McLaughlin?
A. The same statement which they made before Mr. Comstock.

Q. That was a statement in detail of gambling in that particular place against which you complained? A. Yes, sir; about money and everything.

Q. What instructions did you get? A. The inspector said, "You can come back at 2 o'clock, and I will send some of my people with you to the court to take a warrant for these places."

Q. Did you ask the inspector what occurred? A. Yes, sir.

Q. What did he say? A. Essex Market court, of course.

Q. Did you object to that? A. Not openly; not to the inspector in person; I only remarked that would not do, because the second class people holding positions in that court would notify them as soon as a warrant would be granted.

By Chairman Lexow:

Q. When was this? A. I couldn't remember the date.

Q. How long ago? A. It must be two years.

Q. Two years ago? A. Yes, sir.

Q. Was it before or after the law was passed permitting the superintendent to himself issue a warrant? A. I don't know, sir.

Mr. Moss.—It is long since. I will answer that question. Two years ago is long since.

A. I don't know, sir; I don't know when that law was passed; I must acknowledge that.

Mr. Moss.—That law was passed in 1873.

Q. You didn't know you had a right to go to the superintendent? A. We did, but the superintendent referred that to the inspector.

By Mr. Moss:

Q. Well, having that doubt about Essex Market court, what did you do? A. I promised Inspector McLaughlin we would be back at 2 o'clock.

Q. Go ahead. A. I went out; I said, "I am going to see what is going on for myself to be satisfied not to make a fool of myself."

Q. So when the witnesses went down, you remained? A. No, sir; outside.

Q. After your witnesses had started to go down town, and while you were remaining outside of police headquarters, what did you see? A. I saw an old friend of mine, Detective Mike Reat.

Q. He is a headquarters detective? A. He is now.

Q. And was then? A. That time, too.

Q. What did you see him do? A. Going into the car and going right straight down to Charley Smith's.

Q. Did you follow him on the car? A. I did.

Q. You jumped on the car and followed Mr. Reat? A. Yes, sir.

Q. You saw Mr. Reat come right out? A. Yes, sir.

Q. Did he come out of McLaughlin's room, do you know? A. I don't know; I was not in the hall; I was in the street.

Q. You immediately surmised that he was coming out in connection with this case? A. Yes, sir.

Q. And went on the car to follow him? A. Yes, sir.

Q. And he went to Silver Dollar Smith's in Essex street? A. Yes, sir; I had a reason.

Q. Give us the reason? A. Mr. Reat used to be ward detective in Eldridge street station-house and that is the reason I had suspicion of him.

By Chairman Lexow:

Q. Go ahead and tell what you did? A. I followed him and saw him go into Charley Smith's, and Charley Smith went with him afterward to police headquarters.

By Mr. Moss:

Q. Followed him to police headquarters? A. He took Charley Smith up in the car and went right up to police headquarters, and I told Mr. Pomeranz, "Don't go any more; there is no use going any more."

Q. You discontinued that case? A. Let it go.

Q. Did Inspector McLaughlin send for you or for Pomeranz or for other people? A. I don't know if it was Inspector McLaughlin or anybody else; I know some honorable officer came.

Q. Who was the honorable officer? A. Detective Schindler, the best reputation on the east side.

By Chairman Lexow:

Q. Has he a good reputation? A. A fine reputation; the worst reputation a man can have.

Q. Witness, you must not be sarcastic? A. There is nobody knows them people can trust them under oath.

Q. In other words, he has a bad reputation instead of a fine one? A. Yes, sir.

By Mr. Moss:

Q. Something happened a few days afterwards? A. Three days after.

Q. What was it? A. On Saturday night about 9 o'clock I was with several friends, all business people, standing in front of the bar and taking a couple of drinks, and there was a small little table —

Q. Where? A. Pomeranz's saloon.

Q. Eighty or 82 Essex street? A. Yes, sir.

Q. A public saloon? A. Yes, sir.

Q. You and a number of gentlemen stood drinking? A. All business people, stood drinking at a small little table used in day time as lunch table.

Q. In night he did not have any lunch? A. A man could not sit down by the table, and two ex-convicts came in; I knew them; they had a reputation for that, and I am positive of it; they asked for two schooners of beer; it was a very narrow store; the space from the bar to the wall was about three feet; it couldn't be more than that; they sat at that table and asked for a pack of cards, casino cards, as far as I can remember; they sat at the table, where there is plenty of room in the back if a man wants to gamble; as soon as they sat down a squad of police came in and this Schindler; they put a dollar out of their pockets and put it down.

Q. Who did; the two convicts? A. A fellow named Greenberg and Abrahamson, something like that.

Q. Greenberg took a dollar out of his pocket as soon as the officers came in? A. Yes, sir.

Q. And all, including the people standing at the bar drinking, were arrested? A. Yes, sir.

Q. Everybody? A. Yes, sir.

Q. By Bonkell and Schindler? A. Yes, sir; and more police officers; they took me to the station-house; he said, "If you want

to get bailed out, you will have to testify in court that you saw gambling going on;" I said, "I will not do any such thing."

Q. Was Charley Smith there? A. He had come in with Mr. Max Hoshstein; I was bailed out by a friend named Wolf who keeps a liquor store.)

Q. Were you bailed out at once? A. Yes, sir; before Charley Smith came in; after I was bailed out I tried to bail out the proprietor of the store; I did bail him out; then I had some business people to go the bail for the other people; I was stopped by Charley Smith; he said, "No bail will be taken here to-night."

Q. That was in the station-house? A. Yes, sir; of course, in front of the captain.

Q. So the rest of the people were locked up all night? A. Of course; next morning—

Q. That was Sunday? A. Yes, sir; I took a friend named Fred. Selig, a man owns property, about \$150,000; I said, "You be ready in the court to do me a favor in case there is necessary bail;" Mr. Smith said, "There is no use waiting; your bail will not be accepted until I am satisfied."

By Chairman Lexow:

Q. Was he the judge? A. He was the boss.

Q. The captain, judge, boss and everything else? A. He was the judge.

Q. Is he now? A. He claims to be, but we will stop him; the people expect for you gentlemen to stop that at least, and they will thank you; nobody on the east side can expect anything except from you gentlemen to give us some relief; in no way can we get any other relief.

The Chairman.—It is a pretty large contract, but I think we can come up to it.

By Mr. Moss:

Q. Smith is the man who was indicted a few days ago for smashing in a saloon door with a beer keg? A. Yes, sir.

Q. And when he was arraigned in court the man refused to appear against him; wanted to withdraw the complaint? A. I think he wouldn't withdraw any more.

Q. You think now he has changed his mind? A. I am positive.

Q. A little more stiff? A. I think counsel knows very well Mr. Smith; he pretty near had him convicted.

Mr. Jerome.—I prosecuted him once for bribery at election.

Q. Judge Hogan was the man who was supposed to be holding court? A. I know Hogan.

Q. I asked you whether he was there? A. Yes, sir; he did come in court and we all appeared before him.

Q. When the judge came in where did Smith go? A. To his private clerk, his confidential clerk, Alex Rosenthal.

Q. What is that? A. He went to his private clerk.

Q. When the judge went on the bench where did Smith go? A. He stood with Rosenthal and the judge, of course.

Q. What? A. He stood between his clerk and the judge.

Q. Behind the bar? A. Yes, sir.

Q. And behind the bench? A. Yes, sir.

Q. So you had the spectacle of Mr. Justice Hogan, Mr. Silver Dollar Smith and Mr. Clerk Rosenthal composing the bench?

A. Of course, I couldn't listen what they said; they spoke a couple of words together.

Q. They were sitting behind the bench? A. Yes, sir.

Q. What happened? A. I advised Mr. Pomeranz to waive examination; I said, "There is no use fighting here; you will

Q. Then this case was called up? A. Yes, sir. not get justice; waive examination and go down town."

Q. Did he do so? A. He did.

Q. What was done with the rest of you who were picked up in the saloon? A. We were held in \$500 bail for trial, and we were fined three months a piece or \$300 bail to keep away from the gambling-house.

Q. You among the rest were put under \$300 bail or to go to the Island for three months? A. Yes, sir.

Q. Did you ask Judge Hogan why you were sentenced? A. Not that time.

Q. When did you ask him? A. He released the two gamblers.

Q. What gamblers did he release? A. The two men that testified they played were discharged.

Q. The two convicts that put the money on the table and got the cards were discharged? A. Yes, sir.

Q. Did you tell Judge Hogan that it was a licensed saloon and that you had a right to go in there to get a drink? A. I claimed that; I said, "If anybody is to be punished it is the men

who claim they were gambling;" I said, "Why did you discharge the people that said they were gambling."

Q. You got bail? A. No, sir; he don't take no bail on Sundays for gamblers.

Q. Were you in the jail all day Sunday? A. All day.

Q. Who did you offer as your bail? A. Mr. Selig.

Q. That same man of property? A. Yes, sir.

Q. Did you come to any agreement with your fellow prisoners? A. Yes, sir; to serve 24 hours on our term and I will engage a counsel to fight him for damages, sue the city or him.

Q. Well, having come to that determination, and having been kept in prison all day Sunday, what happened to you on 9 o'clock Monday morning? A. They called all the prisoners, they sent down to the Tombs, or to serve sentences; us they didn't call; I hollered I wanted to see the warden; I said, "Why are we kept here?" I said, "We are convicted to serve a term of three months and I want to serve; I want to be sent on the Island where I am entitled to be sent;" he said, "You are going to be discharged;" I said, "I don't want to be discharged; I want to serve the term; twenty-four hours is all I want to serve; you will pay me good;" he said, "I can not do nothing; I can not discharge you; I can not send you down."

Q. Your idea was that you would put him in the position of executing that sentence and then sue somebody? A. Yes, sir.

Q. Or take out a writ or do something to expose him? A. That is all.

Q. Did Smith come in? A. Yes, sir; an hour later.

Q. An hour later, the boss, Silver Dollar, came in? A. Yes, sir.

Q. What did he say to you? A. He brought a bottle of whisky along; treated me a little bit.

Q. What did he say? A. He said, "You must not get mad; you will all be discharged right away;" I said, "We don't want to be discharged."

Q. Having protested in that way, what happened about 11 o'clock? A. About 11 o'clock an officer came down to call us all down to the court; there was no officer, no clerk, no reporter; the doors were closed, all the doors closed, except the Honorable Judge Hogan and Mr. Smith.

Q. Was Hochstein present? A. Yes, sir.

Q There you were then in private conclave; tell us what happened? A. Judge Hogan said to us, "Gentlemen, you might feel sore that I was too severe to you; people are complaining that you were gambling away your money and your families are starving; I had to be severe; I reconsidered, people coming in and speaking in your favor, to discharge you;" I said, "Your Honor, we don't want to be discharged;" I spoke for all of them; "We don't want to be discharged; you convicted us; we want to serve; how long that is a question for the court to decide."

Q. The higher court? A. I meant the higher court; he said, "You mustn't be so harsh;" I said, "We want to serve, and I want to know why we don't be sent down where we belong;" he kept hollering and called the sergeant and fired us out from the court.

By Senator O'Connor:

Q. You really wanted to go to jail? A. I would be discharged; I am 22 years in this country, and I claim every citizen ought to know a little bit of law.

By Mr. Moss:

Q. You met those two stool pigeons afterward and had a talk with them? A. Yes, sir; I said, "Why could you have the heart to go and take a man who is the father of six children, and go and do dirty work like that—go in and ask for a glass of beer, take a pack of cards and have a dollar in your pocket ready when the police came in, to put it out and convict him," they said, "It is not our fault; we were called into Charley Smith's; he gave us the dollar; the police were present; we couldn't refuse, and we had to do it."

By Chairman Lexow:

Q. Did he say what police were present? A. Of course; it was the two private officers for Captain Cross.

Q. You mean the Wardmen? A. Schindler and Bonkell.

By Mr. Moss:

Q. Were you ever employed in one of the departments of this city? A. Yes, sir.

Q. What department? A. Department of public works.

Q. Is there anything that you want to say about that department? A. I served the department for three years.

Q. Is there anything that you have to say about that? A. I didn't have to work for my money.

Q. You stayed away a great deal of the time, didn't you? A. None of us got to work.

Q. What were you supposed to work at? A. Well, I was appointed there as a Republican.

Q. Who appointed you? A. Through the John J. O'Brien Association; I was not appointed as a Tammany Hall man; I was appointed as a Republican.

Q. Nevertheless you were a Tammany Hall man? A. No, sir; never was.

Q. Who was the commissioner? A. Our honorable mayor, Mr. Gilroy.

Q. Mr. Gilroy was the commissioner? A. Yes, sir; the first position I had under the water register, Mr. Reilly.

Q. What were your duties? A. My salary was \$2.50 a day.

Q. What were your duties? A. To come every morning at 9 o'clock; there is complaints sometimes about two months through the year, and re-inspections; that the property-holders are taxed too much on water tax; and there is 50 or 60 persons, each of them one complaint, where it takes five minutes to inspect.

By Chairman Lexow:

Q. Meter inspector? A. No, sir.

By Senator Bradley:

Q. Waste of water? A. No, sir; they charge according to the water; some of them pay \$1.25 a day, and some \$2 according to the families; now, if a landlord is taxed too much, more than he thinks he is entitled to pay, he is entitled to a re-inspection; we had one inspection every day.

By Mr. Moss;

Q. You mean to say that you didn't do anything for your salary? A. It was 10 minutes work.

Q. How many people were engaged on that kind of work? A. Sixty or 70.

Q. Engaged in doing nothing but drawing their pay? A. That is all we wanted to do.

Q. That is in what department? A. In the water register's.

Q. How many people in that department were in the same fix? A. There was 60 that time.

Q. How long ago was this? A. I am only a year and a half out, since the O'Brien's went over to Tammany, and I refused to go; I had to leave my position.

Q. The organization, the John J. O'Brien Association to which you belonged, and from which you went into this job has since gone into Tammany Hall? A. Yes, sir.

Q. You didn't go and you lost your job? A. Yes, sir.

By Chairman Lexow:

Q. Were you told substantially that if you went out and joined Tammany Hall that you could keep your position? A. I don't know.

Q. Were you told? A. I think so, I could keep it.

Q. What have you got to base that supposition on? A. Because nobody could get appointed from another party except their party.

By Mr. Moss:

Q. Well, it was generally understood that the office belonged to the downward party? A. Yes, sir; I went from that department to a better department.

By Senator Bradley:

Q. You never missed a pay day but what you drew your salary? A. I never missed that.

By Senator O'Connor:

Q. Where did you go to from there? A. To the water purveyor, the Honorable Mr. Burke; he is now a police justice.

By Chairman Lexow:

Q. What sort of an experience did you have there in the way of earning the money that was paid you? A. Fine treatment.

Q. What do you mean by fine treatment? A. We were sup-

posed to have at that time 60 or 70 gangs repairing the streets; each gang is supposed to consist of six or seven men doing work, suppose to do work, and each gang has got a runner; we had a foreman and an assistant foreman and a runner for \$9 a day to watch the six men.

Q. What did the six men do? A. They did something.

Q. What was your occupation? A. To keep their time, time-keeper.

Q. And your day was used in keeping the time of these men? A. Yes, sir.

Q. How much of your time did it require to keep their time? A. It didn't require much.

Q. About 10 minutes? A. Of course.

Q. Your labors were no more onerous under your new employment than they were under the former? A. I was satisfied.

Q. How long did you stay there? A. I stayed a year.

Q. Until when was that? A. I stayed until the John J. O'Brien association joined Tammany Hall.

Q. It was then that you left this new position? A. Yes, sir.

Q. Did you go into any other department of the city? A. No, sir; I didn't look for it; I couldn't get in any if I did look for it.

By Mr. Moss:

Q. You knew it would be useless, didn't you? A. I think I could have filled my position; not as a Republican of course.

By Chairman Lexow :

Q. Didn't you think that it was wrong for anybody feeling the way you did to accept a day's wages for ten minutes' work?

A. Yes, sir, I did, but if I wouldn't do it somebody else would do it.

Q. And you justified it on the ground that if you didn't do it somebody else would? A. I might as well take it myself.

Q. That is the justification you had in your own conscience for it? A. Yes, sir.

By Mr. Moss:

Q. Did you know of people absenting themselves for weeks and months and drawing their pay all the time? A. I reported once in a week myself.

Q. You reported but once a week yourself? A. When I went for my check.

Q. You reported once a week when you went for your check?
A. Of course.

Q. Do you know of other persons? A. Everybody.

Mr. Goff.—Is Georgiana Hastings in court? (No response.)

Mr. Goff.—I want that noted.

Michael Moran, a witness called on behalf of the State, being duly sworn, testified as follows:

Mr. Goff.—Will you make an announcement, Mr. Chairman, Georgiana Hastings has been subpoenaed.

Chairman Lexow.—And called at 20 minutes after 3 and failed to respond.

By Mr. Goff:

Q. What is your business? A. Towboat business.

Q. Are you engaged in business in the city of New York? A. Yes, sir.

Q. Any other place? A. No; my office is in the city of New York; not at present; I had an office in Albany in the latter part of December; it is closed now.

Q. How long have you been engaged in the towboat business?
A. A little over 20 years.

Q. You say you have been engaged for 20 years in the towing business in this city? A. Yes, sir.

Q. Have you done work for the city of New York? A. I have done some work in the street cleaning department.

Q. For how many years? A. Well, over six years.

Q. Over six years? A. Between six and seven years.

Q. That is for carrying out the scows? A. Yes, sir.

Q. Towing these scows out to sea? A. Towing garbage.

Q. What commissioner was in charge of the street cleaning department when you first entered into relations with it? A. I took that under Commissioner Coleman.

Q. Did Commissioner Coleman exact any promise from you when you made the terms with him? A. Yes, sir; he did.

Q. What was that promise? A. That I should do the work for the cheapest price I could do it, and not give up any money to any person connected with the department or outside of it.

Q. That was the condition that Mr. Coleman imposed upon you? A. Yes, sir; he said as soon as he found out I gave up any money he would take it away from me.

Q. Did Mr. Coleman impress upon you the fact that scandals had been in the department owing to the fact that people had given money up? A. Well, something of that kind.

Q. In substance that way? A. Yes.

Q. He wanted to break up the practice? A. Well, he wanted somebody to do it as cheap as it could be done, and not give up any money to anybody.

Q. Were you brought into contact or relations with the police? A. No, sir.

Q. Were you ever requested by the police or anyone representing them, to pay any money for any purpose? A. No, sir; the police had nothing to do with our business at that time or with the street cleaning at that time.

Q. I want to get through with you as quickly as possible? A. Yes, sir.

Q. Did you ever give up any money to anyone? A. Well, only for political purposes.

Q. Where do you reside? A. I reside in Brooklyn.

Q. And have resided there for a great many years? A. Yes, sir.

Q. And voted there? A. Yes, sir; voted in Brooklyn.

Q. When you say you gave up a little for political purposes, was that little in Brooklyn or New York? A. New York.

Q. To whom did you give the money for political purposes in New York? A. Well, I suppose I gave it to Mr. Croker.

Q. To whom? A. Mr. Croker I sent it to

Q. Mr. Richard Croker? A. Richard Croker, yes, sir; he was treasurer, I believe, of the organization.

Q. Of the organization? A. Well, the organization that I was doing some work for, I suppose.

By Chairman Lexow:

Q. By Tammany Hall, you mean? A. Well, I guess so.

Q. Did you consider when you took the contract that you were doing work for Tammany Hall or for the city of New York? A. No, sir; I was doing it for Mr. Coleman as commissioner.

Q. For the city of New York? A. Yes, sir; I didn't give any up under Mr. Coleman; when Mr. Coleman was commissioner I didn't give any up.

By Mr. Goff:

Q. Well, you had taken your contracts as the lowest bidder?

A. Yes, sir; I put in a bid for it and he accepted it.

Q. And you figured it as closely as possible upon your contract? A. I did; yes, sir.

Q. And when you were figuring upon your contracts, were there other people competing with you? A. Well, I couldn't tell you that, whether there was or not; my bid was accepted.

Q. Commissioner Coleman told you to get it down to the lowest possible figure? A. Yes, sir.

Q. For some years after that you didn't give up money for political purposes, did you? A. Not while Mr. Coleman was there; I didn't give any.

Q. After Mr. Coleman left, I believe the department went into the hands of Mr. Beatty, did it? A. Mr. Beatty was there; yes, sir.

Q. And Tammany Hall had come into power, as it is said, in this city? A. Yes, sir.

Q. How was it that you felt called upon to give up money for political purposes then? A. Well, I knew it was the natural feeling amongst everybody that worked for the city; one done it and I didn't want to be left behind anybody else; I thought I would hold my end up.

Q. Did any one suggest to you the advisability of giving up this money? A. I have had conversations with other men that were in the employ of the city, and we compared notes occasionally to know what was done and how we could keep ourselves solid.

Q. Was it said to you that it was necessary for you? A. I don't think so.

Q. In your comparing notes with other men in the employ of the city, can you tell me who they were? A. No; I couldn't now; it was a good while ago.

Q. Were they people engaged in the same line of business that you were? A. That is what I mean; people who were furnishing other things and doing some work for the department the same as I was.

By Chairman Lexow:

Q. How long ago was the last check you gave for that purpose? A. It might have been a year ago last fall; probably

two years ago last fall; it might have been a year ago last fall, or two years ago; I can not remember.

Q. I find here a check dated June 16, 1891? A. Yes; is that the last one?

Q. This is the first one, payable to Richard Croker? A. Yes, sir.

Q. That is for how much (check handed to witness?) A. For \$50.

Q. Fifty dollars? A. Well, excuse me, that is in June; that is for Tammany Hall celebration.

Q. That is for Tammany Hall celebration? A. Yes, sir.

Q. What celebration? A. Well, they have a little blow-off on the Fourth of July; Fourth of July celebration.

Q. The point I want to get at is what obligation were you as a resident of Brooklyn to contribute to the Tammany Hall celebration on the Fourth of July? A. Because I thought New York was using me well; my office was in New York; I spent more of my time in New York than I did in Brooklyn; my business was in New York; and I was doing business for New York.

Q. Don't you know there is a distinction between the city and the organization known as Tammany Hall?

Chairman Lexow.—Now?

Mr. Goff.—Well, technically now and technically then, too.

Q. (Continued.) You know that Mr. Moran? A. Well, I don't think Tammany Hall is the whole city.

Q. What I want to get at is this; while Mr. Coleman was commissioner of street cleaning department, you didn't make any such contributions as this? A. No, sir.

Q. How is it then that when the department changed you felt called upon to send a check to Mr. Croker? A. Well, because I didn't think I could go on and do the amount of business I had for the city without recognizing the people that were in power.

Q. Without paying money, isn't that the point? A. Well, of course, I paid money; I can not get around that, but I thought it was necessary and that the organization had to be supported.

Q. To protect your interests? A. Yes, sir.

Q. You felt it was necessary to do that? A. Yes, sir.

By Chairman Lexow:

Q. Or, as you said before, to be solid with them? A. Yes, sir.

By Mr. Goff:

Q. Here is a return check with Mr. Croker's indorsement upon it; I find a check here of October 29, 1891, the same year, to Richard Crocker, signed by you, for \$50, and returned to you with Mr. Croker's indorsement on; how did you come to send a check at that time? A. That was before election.

Q. How did you come to send a check before election? A. To help him along.

Q. You never belonged to the organization, did you? A. No sir.

Q. And if you did belong to an organization you belonged to it over in the city of Brooklyn? A. Oh, I didn't belong to any.

Q. I say, if you did; but you didn't belong to any organization? A. No, sir.

Q. Even in the city of Brooklyn? A. No, sir.

Q. And you were not particularly interested were you in the association known as Tammany Hall in New York? A. Yes, sir; I was.

Q. You were? A. Yes, sir; considerable.

Q. Very much interested? A. Quite interested.

Q. In fact the success of Tammany Hall meant the protection of your interests here in your contract? A. Yes; I thought so at that time.

Q. And it was under that belief and impression that you made these contributions? A. Because I don't give money away very easy.

Q. I understand that; you don't give away money for nothing? A. I wouldn't like to.

Q. You expect a return for the money you give, and the return that you expected here for the money you sent was for protection of your contract interests? A. Well, I suppose so.

By Chairman Lexow :

Q. That is right; that is the fact? A. That is about right.

By Mr. Goff:

Q. Here is a check of June 7, 1893, for \$50, returned with Mr. Croker's indorsement; is that your check (check shown witness)? A. That is signed by my clerk.

Q. Well, it is the same thing, the same as the whole of them? A. Fifty dollars; yes, sir.

Q. Here is another check; that was sent also for 4th of July, 1893 (another check shown witness)? A. Yes, sir.

Q. Here is a check for October 18, 1893, for \$75; what was that check for; that is your check? A. Yes, sir.

Q. Bearing Mr. Croker's indorsement; now, what was this check of \$75 for? A. Oh, the same purpose, I suppose.

Q. How did you come to raise the amount of your subscription? A. I don't think I have, have I.

Q. You see all the other checks have been \$50? A. Have they, all \$50?

Q. Yes? A. Well, may be I was doing a little better.

Q. And that check was for election purposes too? A. The one in October; yes, sir.

By Chairman Lexow :

Q. Had you received any additional contracts? A. Never had any contracts except what I got from Mr. Coleman; I done the work so well they all kept me doing it.

By Mr. Goff:

Q. Here is a check of June 4, 1892—I should have put that in before the other—for \$50, to Mr. Croker, bearing Mr. Croker's indorsement, Union Square Bank; I suppose that was for the same purpose, the 4th of July celebration; is that your check? A. Yes, sir, that is mine.

Q. And it was returned to you as a voucher? A. Yes, sir.

Q. Here is a check for October 3, 1892, payable to Richard Croker, for \$150? A. Yes.

Q. How is that? A. Well, I presume he got it.

Q. The check bears his indorsement? A. I suppose he got it.

Q. How did you increase your sum from \$50 the year previous to \$150 in the year 1892? A. It was coming winter.

Chairman Lexow.—What time in 1892, Mr. Goff?

Mr. Goff.—October 3d, just before election.

By Chairman Lexow :

Q. It was presidential election, and I suppose you thought it necessary to increase it on that account? A. It was coming winter too.

By Mr. Goff:

Q. If in 1891 for to help the election you sent to Mr. Croker \$50, can you explain why it was that at the same time in 1892 you sent to him \$150 for the same purpose; will you explain to us why you sent \$150 in 1892 and sent only \$50 in 1891? A. I couldn't explain that very well, Mr. Goff, only that I was probably doing a little better than I had been doing; that business had increased.

Q. Then did you base or measure your subscriptions by the amount of contract work you were performing? A. I think I did; very likely I did.

Q. Isn't it a fact that some one said to you that it would be wise in order to make yourself solid to send a larger subscription for the presidential election in 1892 than you had for the election in 1891? A. Well, that is very likely, I compared notes with somebody in the same business that I was in myself and found out somebody was paying a little more than I did, and I was afraid somebody in my line of business would put in a little more and I would get left.

Q. And all these checks that I have shown you are checks drawn upon your account in the bank and returned to you with the indorsement upon them of Mr. Croker? A. Yes, sir.

Q. And each check made payable to the order of Richard Croker? A. Yes, sir.

Q. Is that so? A. Yes, sir.

Mr. Goff asked to have the checks marked in evidence and they were marked respectively, Exhibits 2 to 7 inclusive, of this date.

Q. Mr. Moran, have you had any knowledge or experience in this towing contract this year with the street cleaning department? A. Well, I lost it in January last.

Q. How about the condemnation of those tugboats as hulks; do you know anything about that? A. Well, I know they were tied up.

Q. Don't you know they were auctioned off? A. Yes, sir.

Q. Do you know the names of the tugboats? A. I do, the Dessori and Municipal.

Q. Mr. Andrews condemned those boats as worthless? A. That is what it means; they were condemned and tied up and sold at public sale.

Q. Do you know how much they were purchased for? A. Yes, sir; I think I do.

Q. Just tell us? A. The Dessori I think, went off first; the Municipal went off first and she was bid in for \$1,700; next the Dessori for \$2,600; it was bid in at \$2,600.

Q. Do you know what has become of those boats? A. Yes, sir: I saw them once in a while.

Q. What are they doing now? A. The Dessori is towing garbage for the city.

Q. Doing work for the city? A. Yes, sir.

Q. After the Dessori was condemned as an old hulk in last January, I think? A. Yes, sir.

Q. Under another name? A. Yes, sir.

Q. She has been re-christened and entered in the custom house? A. Yes, sir.

Q. What is the name? A. The Governor.

Q. Do you know who owns her now? A. No, I don't; I suppose she is owned by the Mutual Sealing Company, is supposed to own her.

Q. Do you know if the boat Municipal changed name also? A. No, sir.

Q. Is she under the same name yet? A. Under the same name.

Q. Is that boat engaged in towing for the department? A. No, sir.

Q. The Dessori was repaired, was she not? A. Oh, yes; overhauled.

Q. Do you know how much it cost? A. No; I know what it cost first; for I bid her in the second time she was put up; there was a combination of a few of us together that bid her in; before that she was bid in by Sullivan; and then she was put up again and I bid her in for \$20.

Q. That was the second time? A. Yes, sir.

Q. This boat belonged to the city? A. Yes, sir.

Q. This was city property? A. Yes, sir.

Q. And Mr. Andrews condemned it as an old hulk? A. Yes, sir.

Q. Then she was put up at auction? A. Yes, sir.

Q. And you say she was bid in for \$1,700? A. No, sir; she was bid in for \$2,600; that is, the Dessori.

Q. Then she was put up a second time? A. That was after she got out of the hands of the city.

By Senator Pound:

Q. After it was repaired; after it was overhauled? A. No, sir; right away.

By Mr. Goff:

Q. Who purchased her? A. I did; I bid her in.

Q. On the first sale? A. On the second sale; on the first sale John Sullivan bid her in.

Q. Then the second time you bid her in? A. Yes, sir.

Q. How did you part title to her; what did you do with her when you bid her in? A. John Sullivan put up the money to pay about the time that I bid her in, and I let her stand in his name, as he had a receipt for the money that he paid out; and we took her down to the dry dock and put her on the dry dock, and done some repairs on her; I thing about \$450 worth; it might have been \$475.

Q. Around that neighborhood? A. Yes, sir; it was less than \$500.

Q. Under that new dress and new name? A. No new name then.

Q. After that she was entered in the custom house? A. Yes, sir.

Q. And her name changed under the rules of the treasury? A. After the other parties bought her.

Q. That is when she was fitted up and this Mutual Company bought her; then they had her name changed? A. Yes, sir.

Q. And they had a contract with this street cleaning department; they doing the towing? A. They do the towing; I don't think they have any contract.

Q. They do the towing anyway? A. Yes, sir.

Q. This boat that was condemned as a worthless hulk in January, and belonging to the city, is to-day doing the very work for the city that it was condemned unfit for doing; is that so? A. Yes, sir; that is right.

By Chairman Lexow:

Q. You say the name was changed after you spent about \$500 on the boat? A. Well, those parties that bought her fitted her up a little finer; we fitted her up for every day use; so that she was in shape to go to work.

Q. Isn't it necessary when you secure a change of name that the boat be rebuilt? A. No, sir; any time you go to the custom house and swear that the boat is out of debt you can change her name; but you can not change her name to defraud anybody; that can be done at any time; that is a foreign, your idea.

Q. Yes; I believe it is. A. I know it is; I have had the names of vessels changed.

Q. You have to practically rebuild a foreign vessel before you can have her name changed? A. Yes, sir; two-thirds.

By Mr. Goff:

Q. Do you know anything about the contractors now having the contract in the street cleaning department? A. I know who the man is that I suppose has the contract.

Q. Who is the man? A. His name is William Daly.

Q. Do you know any people there who have got interest in that contract? A. No, sir; I do not.

Q. Do you know many persons in the street cleaning department now? A. Well, I haven't been there in over a year; so they have made some changes; I know very little in the street cleaning department, except the commissioner; I know him.

Thomas O'Neill, a witness called on behalf of the State, being duly sworn, testified as follows:

(The examination of the witness was suspended for the present.)

Timothy J. Creeden, a witness called on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. Captain Creeden, when did you join the police force? A. October 5, 1864.

Q. How long did you remain a patrolman? A. April 4, 1874.

Q. When were you made a roundsman? A. At that date, sir.

Q. When were you made sergeant? A. August 2, 1879.

Q. What precinct were you in when you were made a sergeant? A. The old Tenth precinct, now the Eleventh.

Q. That is the station-house in Eldridge street? A. Eldridge street; yes, sir.

Q. Did you remain in that precinct all the time that you were sergeant? A. With the exception of three or four months; three months, I think.

Q. How many years were you sergeant? A. Until January 12, 1892.

Q. And you were then made captain? A. Yes, sir.

Q. Before you joined the police force you were in the army? A. I was; yes.

Q. My questions touching your army service are designed for a purpose in connection with this department, captain, and I want you to see if I am correct; you joined the army in 1861, did you not? A. April 17, 1861.

Q. Your first engagement there was at the battle of Bull Run, was it not? A. Yes, sir.

Q. That was the first Bull Run? A. The first Bull Run, July 21, 1861.

Q. From July 21st to October 21st do you remember if you were engaged in any action? A. From July 21, 1861, until October 14, 1863, I participated with my regiment in twenty-three engagements.

Q. I wish to get them in the order of their occurrence? A. Yes, sir.

Q. I find from the records in the war department that on October 21st you were engaged with your regiment in the Battle of Edward's Ferry in Virginia? A. That was in 1862.

Q. No, you are mistaken; October 21, 1861? A. Yes, that is correct; Ball's Bluff, that is commonly known.

Q. But this is the record of the war department? A. Yes, sir, Edward's Ferry.

Q. Have you given us the regiment? A. It was the Second Regiment, New York State Militia; afterwards known as the Eighty-second New York Volunteers; the militia regiment has been designated by volunteer numbers after being in the field some time.

Q. In 1862 I find that on April 8th to May 4th you were engaged in the field at the siege of Yorktown? A. Yes, sir.

Q. Is that correct? A. Yes, sir.

Q. Actively engaged in action? A. Yes, sir.

Q. On May 7th you fought the battle of West Point, Virginia? A. Yes, sir.

Q. Is that correct? A. At the head of the York river.

Q. On May 31st you were engaged in the Battle of Fair Oaks, Virginia? A. I was.

Q. And on the same day, from the 31st to June 29th, you were engaged in the field at the siege of Richmond? A. Yes, sir.

Q. On June 29, 1862, you were engaged in the Battle of Peach Orchard, Virginia? A. I was, sir.

Q. Is that correct? A. Correct.

Q. On June 29th you were engaged in the Battle of Savage Station, Virginia? A. Yes, sir.

Q. On June 30th you were engaged in the Battle of White Oak Swamps, Va.? A. Yes, sir.

Q. On June 30th you were engaged in the Battle of Nelson's Farm, Va.? A. Yes, sir.

Q. On July 1st you were engaged in the Battle of Malvern Hill, Va.; is that correct? A. Yes, sir; that is correct; all of those are correct.

Q. From August 1st to 8th you were engaged in movements around Malvern Hill? A. Yes, sir.

Q. On August 29th you were engaged in the Battle of the Second Bull Run, so called? A. Yes, sir.

Q. On September 2d you were engaged in the Battle of Chantilly? A. Yes, sir.

Q. On September 7th you were engaged in the Battle of Fairfax Court-house? A. Yes, sir.

Q. On September 14th you were engaged in the Battle of South Mountain, Maryland? A. I was.

Q. On September 17th, three days thereafter you were engaged in the Battle of Antietam? A. Yes, sir.

Q. On November 2d you were engaged in the Battle of Ashby's Gap? A. Yes, sir.

Q. On December 13th you were engaged in the Battle of Fredericksburg? A. I was.

Q. In 1863, on May 4th, you were engaged in the Battle of Chancellorsville? A. I was.

Q. And on June 25th in the Battle of Thoroughfare Gap? A. Yes, sir.

Q. On July 2d in the Battle of Gettysburg? A. Yes, sir.

Q. On July 25th in the Battle of Wapping Heights? A. Yes, sir.

Q. And on October 14th in the Battle of Bristow's Station? A. Yes, sir.

Q. You were wounded there? A. I was.

Q. Is that the last battle you fought in? A. That was the last engagement.

Q. Now, the record which I have read is taken and kindly furnished me from the war department; are there any other services which you rendered to your country as a soldier that I have not recited? A. That closed my military career.

Q. Now, while you were on the police force, if my recollection serves me right, you won some distinction in some riot or another, did you not — some disturbance here? A. No.

Q. Did you not receive honorable mention? A. I did not, sir.

Q. Then I am under a misapprehension? A. I was called on at different times during the various strikes, when there was a great deal of trouble, to do duty on such occasions.

Q. Was there no particular mention made of the services or bravery which was displayed in those strikes? A. No, sir; never made any application for anything of the kind.

By Chairman Lexow:

Q. What were you, a private, during the war? A. I was a sergeant when I mustered out, sir.

By Mr. Goff:

Q. You rose from a private, from a soldier, to a sergeant? A. Yes, sir; my name was sent in for a first lieutenancy when I left the service to the war office.

Q. Have you received any injury while in the police department? A. Nothing more than having a sprained leg a couple of times in the way of duty, meeting of accident.

Q. Were those sprains from violence? A. No, sir.

Q. Running? A. Running, and in the performance of duties; the first time I was looking for some burglars in a place in Forty-fifth street, and the other occasion I was chasing some boys who were breaking church windows at St. George's church in Rutherford place.

Q. I find your record in the department to be good as compared with other men occupying the same rank? A. I have had very few complaints in my time.

Q. I find that the first complaint against you was for neglect

of duty, which was dismissed; the next complaint against you was for violation of the rules, for which you received a reprimand on September 11, 1866; the next complaint against you was on October 22, 1867, violation of the rules, you were fined two days' pay; neglect of duty was again preferred against you on August 17, 1870, for which you were fined two days' pay; the next complaint was violation of the rules on August 13, which complaint was dismissed; the next complaint was for a violation of the rules on September 23, 1871; you were fined one day's pay; the next complaint was for neglect of duty on October 25, 1871, for which you were fined one day's pay; the next complaint was for neglect to report ashes, which complaint was dismissed in 1875; the next complaint was neglect to make an arrest on April 4, 1876, which complaint was dismissed; the next complaint was that you didn't patrol on December 3, 1878, which complaint was dismissed; the next and last complaint was failure to enter case of suicide on blotter and telegraph sent to Central office on June 12, 1888, for which you were reprimanded; so altogether you have been fined six days' pay.

Senator O'Connor.—In 30 years' service?

Mr. Goff.—In 30 years' service.

Q. Now, captain, I have brought out your military record, which is an enviable one, and also your record in this department as an officer, which is also a very good one, and I very much appreciate, and I know that this committee appreciates your services to our country and to the city as a good, brave soldier and as a good officer; I am sorry almost that my duty compels me to ask you, captain, knowing you to be an honorable man as a soldier and a citizen, how much money did you pay to be made captain; I hate to ask you that, but my duty compels me; and before you answer that question let me say to you here I have faith in your honor and honesty and I have not sought to build up a case against you at all or to place you in any embarrassing position; I say further that it is a regrettable thing that a man with such a record as you possess and as you have shown, that it is necessary for me to ask that question of you?

Chairman Lexow.—Or that he should have to pay for that purpose.

Mr. Goff.—He has not said so yet.

Chairman Lexow.—If he does; what is your answer, captain?
 A. I have not paid any money for my appointment.

Q. Well, captain, you are technical with me; did you pay any money in any way in connection with your appointment, or on account of your being made a captain; now, I wish to get at the subject directly, and I have too much respect for you to fence with you or to lay a network of questions around you to complicate you in any way?

Chairman Lexow.—The captain understands, too, that any admission that he makes upon a subject of that kind is privileged and can not be used against him hereafter.

Mr. Goff.—And not only that, but may I add that the words of the law are, and that the spirit of the law is, that inasmuch as they can not be used against him in court of justice they can not be used against him in any other proceeding.

Chairman Lexow.—In the department or elsewhere?

Mr. Goff.—In the department or outside of it.

Senator O'Connor.—It would be my opinion, and I think the committee will join with me, that if a man with his record is obliged to do anything that he ought not to do it would be looked upon more in the nature of blackmail of the officer.

Q. Now, captain, tell us about it in your own way; we all feel a sympathy for your position, and, as I repeat again, I feel exceedingly regretful when I am compelled to put those questions to you? A. I haven't paid anything for my appointment.

Q. Now, then you compel me, captain, to take my own way of getting at the facts, and yet I do not hesitate to say —

By Chairman Lexow:

Q. When Mr. Goff puts that question he means directly or indirectly through any other person or through yourself; by yourself or through any other person? A. I paid no money.

Q. By yourself? A. No, sir.

Q. Or any other person, directly or indirectly? A. No, sir.

Q. You answer no to the whole question? A. Yes, sir.

By Senator O'Connor:

Q. Did you pay any property? A. No, sir.

By Chairman Lexow:

Q. Anything representative of money? A. No, sir.

Q. Or agree to pay any money? A. I have not.

By Mr. Goff:

Q. Well, captain, let us see, did you pay any money after you were made a captain in consideration of your getting a particular precinct? A. I did not.

Q. Did you pay or cause to be paid any money, either before or after you were made a captain, on account of your having been made a captain of any precinct? A. No, sir.

Q. Was there any money collected for that or any other purpose in connection with your captaincy, or in connection to your being assigned to a particular precinct? A. No, sir; not to my knowledge.

Q. Did you give any promissory notes to any person in consideration of money subscribed by persons? A. Sometimes I have.

Q. Now, captain, I yet would ask you to relieve me of the very unpleasant necessity of propounding a number of questions to you, and I would yet ask you to tell us about that transaction in which you gave the notes, and what for, and all about it; I almost ask of you, request of you, to save me the unpleasant necessity?

By Senator O'Connor:

Q. Captain, we expect a man with your record to be frank; we do not think you suffer anything in doing so in the estimation of the people or anybody else? A. I have had occasion to borrow money and give notes for various sums and at various times to various people.

By Chairman Lexow :

Q. But in connection with your appointment or with your assignment to any particular precinct? A. No, sir.

By Mr. Goff :

Q. How soon after you were made a captain did you give promissory notes to persons? A. Before and after.

Q. Before that you lived upon your salary as a sergeant? A. Yes, sir.

Q. Maintained your wife and children on that salary as a sergeant? A. Yes, sir.

Q. And while you were a sergeant you were not compelled to borrow money on promissory notes? A. Sometimes; I didn't very often; I think I did something which might be foolish for me to do; I undertook to educate my children and had to meet certain expenses and often had to borrow money to meet expenses of that kind.

Q. Now, I yet would fain to have you tell us the truth of the transaction of how \$15,000 were raised for you? A. I know nothing about it.

Q. Well, I am surprised? A. I have heard a great deal about it.

Q. Well, what did you hear about it? A. Common talk, \$15,000 to \$20,000.

Q. Well, from whom did you hear about it? A. Various places.

Q. That that money was raised to have you made a captain? A. Yes.

Q. Which; to have you made a captain? A. Yes, I have had people to ask me that question.

Q. Did you ever know, or did you ever hear, that certain residents of the Tenth precinct, or the Eleventh now, had contributed some of them, \$1,000 toward that fund of \$15,000? A. Yes, I have.

Senator O'Connor.—He says he heard it, or he knew it.

A. I heard it.

Q. Did you ever talk with any of those persons? A. I may have.

Q. You say you had no personal knowledge of this thing? A. No, sir.

Q. You having no personal knowledge, did you inquire of any of the persons whose names you heard mentioned as having subscribed money to a fund of which you knew nothing? A. No, I haven't

By Chairman Lexow:

Q. Do you mean to say, captain, that after you heard that there were certain individuals who contributed \$1,000 to a fund, that you didn't ask them or speak to them about it in any form, shape or way? A. No, sir.

Q. Didn't pay any attention to it at all? A. No, sir.

Q. Wasn't that a matter of sufficient importance to put you on your inquiry? A. I didn't think so.

Q. You didn't? A. No.

Q. When a specific charge was made that people that you knew had contributed as much as \$1,000 apiece to secure your appointment as an officer or as a captain of the force, that you didn't think it even worth while to find out whether that was true or not? A. There was not any specific charge made, and there was no more said about my case than there was about everybody else's case; everybody promoted at one time, and there was a common rumor that everybody that was promoted had to pay for his place.

Q. Where names were mentioned of men contributing a very large sum of money like \$1,000, you didn't think it worth your while to inquire of them whether they had done it or not? A. No, sir.

Senator O'Connor:

Q. Was that due to your lack of belief in the rumors; that there was no foundation for it? A. I didn't pay much attention to it; no, I didn't think there was much foundation for it.

Q. Is it your understanding, now, that no person has ever paid any money for you? A. I don't think so.

By Mr. Goff:

Q. Did you give any promissory notes about the time that you heard this money was being subscribed? A. I may.

Q. And you gave the promissory notes on account of this money, did you not, to some of the persons who had subscribed the money? A. No.

Q. Well, you gave it to the men into whose hands the money went, did you not? A. No, sir.

Q. Well, whom did you give the notes to? A. I had occasion to borrow money from people.

Q. To whom did you give the notes; name me a man to whom you gave a promissory note, about January, 1892? A. I gave a promissory note to Mr. John Howard.

Q. John Howard, of the Kenwood House, corner of Bowery? A. Yes, sir.

Mr. Goff.—I think I may be pardoned for saying right here, gentlemen of the committee, right at this juncture, that I am

more intensely surprised at Captain Creeden's attitude than I am at anything that has occurred since the commencement of this investigation. I thought if there was one man in the police department of the city of New York to whom the truth would appeal and that could afford to tell the truth, it would be Captain Creeden, I think you will say with me that I did not exceed my duty in showing the consideration to Captain Creeden that I did, and I am surprised, intensely surprised, and disappointed at Captain Creeden's attitude.

Q. This is Mr. Howard, isn't it? (Pointing to Mr. Howard.)

A. Yes, sir.

Q. Name me another man to whom you gave a promissory note? A. One to Mr. McGurk.

Q. This is the man? (Pointing to Mr McGurk.) A. Yes, sir.

Q. This is a keeper of a notorious dive on the Bowery? A. I don't know anything about his dives.

Q. Do you mean to say that you have been there and don't know? A. I never was in his place.

Q. I am not asking you what you were in; do you mean to say that you were there in that precinct and didn't know that McGurk is the most notorious dive-keeper on the Bowery—McGurk's place; do you mean to swear that? A. Not in my time, there is nothing wrong about the place.

Q. Nothing wrong about McGurk's place? A. When I was there.

Q. Did you ever hear of him as the keeper of a notorious dive? A. Yes; I have heard of him.

Q. How many places did McGurk keep? A. Only one place, that I know of.

Q. That is at 27 Bowery? A. No; 153 Bowery.

Q. Then there were two places; he kept at 27 Bowery too? A. Not in my time.

Q. Then you only know of one place? A. That is all.

Q. What transactions had you with this dive-keeper to give him a promissory note for money? A. I knew him, and I got it off him.

Q. How much did you get off him? A. A thousand dollars.

Q. How much did you get from Mr. Howard; Mr. Howard is a gentleman; he is a decent man? A. I got a thousand dollars off him.

Q. Do you know this man (pointing to Aaron Herzberg)? A. I do.

Q. How much did you get of Mr. Herzberg; how much did you borrow of Mr. Herzberg? A. I don't know; I borrowed money of him frequently.

Q. About this time; we have you borrowed \$2,000; how much did you borrow of Aaron Herzberg, 42 Bowery? A. I can not tell you now.

Q. Cannot tell? A. I don't remember.

Q. But how much did you give him a promissory note for? A. I didn't give him any.

Q. How much did you give a note for to the man into whose hands the money went; didn't you hear that Aaron Herzberg contributed money for some purpose in connection with you? A. I don't know anything about it.

Q. Is this the first you ever heard of it? A. Yes, sir.

Q. Will you swear that you didn't hear that Aaron Herzberg or his brother, Moritz Herzberg, either one or the other of the firm, contributed money at this time in connection with your captaincy? A. No, sir.

Q. Or anything in connection with you personally? A. No, sir.

Q. They didn't; you say they didn't? A. No.

Q. And you never heard it? A. No, sir.

Q. This is the first time you ever heard it? A. Yes, sir.

Q. How much did you borrow from Mr. William Hanson? A. I didn't have any from him.

Q. What? A. None that I can remember.

Q. Wouldn't you know if you had borrowed from a man named Hanson? A. I got no money off him.

Q. Didn't you know that he subscribed money in connection with you? A. No, sir.

Q. Is this the first time you have heard that? A. Yes, sir.

Q. Well, any one else that you borrowed money from? A. No, sir.

Q. Only these two men? A. That is all.

Q. Did you borrow money from Charles Hoffman? A. Sometimes.

Q. About this time that I speak of, 1892? A. No, sir; I have no recollection of anything of the kind.

Q. Wouldn't you remember it if you had borrowed any money from him, or if he had contributed any money in connection with your captaincy? A. I don't know anything about it.

Q. You don't know anything about it? A. No, sir.

Q. Do you know if any one else, than the names I have mentioned had anything to do with loaning you money, directly or indirectly? A. No, sir.

Q. Or giving money to any person to be used on your account? A. No, sir.

Q. You don't know? A. No, sir.

Q. Did you ever hear the name of Charles McKeon, corner of Hester and Chrystie streets, mentioned? A. I knew him.

Q. He was another dive-keeper? A. He kept a place there.

Q. You knew it was a dive, and a notorious dive? A. No; it was a licensed place.

Q. You know that he has been arrested scores of times? A. Yes.

Q. For keeping a disorderly-house? A. No, sir; I don't know that.

Q. You never heard that? A. No, sir.

Q. Never heard that he was arrested? A. No, sir; he has been arrested for excise.

Q. Did you ever hear the name of Martin Kirby mentioned in connection with contributing any money? A. No, sir, I haven't.

Q. You knew Kirby, did you not? A. I did.

Q. Where did Kirby keep? A. He keep on the Bowery.

Q. He now keeps up in Harlem? A. I believe he does.

Q. One Hundred and Twenty-fifth street; did you ever hear Kirby's name mentioned in any way with the subscribing of money? A. No, sir.

Q. For or on account of you? A. I haven't heard it.

Q. Did you know Frederick Sellig? A. Yes, sir.

Q. In the milk business? A. Yes, sir.

Q. Did you ever hear his name mentioned in connection with contributing any money for or on account of you or in connection with your captaincy? A. No, sir.

Q. This is the first time? A. The first time, yes.

Q. Do you know Mr. Groelling (pointing to Mr. Groelling)? A. Yes, sir; I know him.

Q. He keeps Military Hall on the Bowery? A. One ninety-three Bowery.

Q. Did you ever hear his name mentioned in connection with a contribution of any money for or on account of your captaincy? A. No, sir.

Q. Did you ever hear Harry Miner's name mentioned in connection with the contributing of money for you? A. No, sir.

Q. Or for your purposes? A. I have not.

Q. Or for your captaincy? A. No, sir.

Q. Or for your being assigned to a particular precinct? A. No, sir.

(Examination of the witness suspended for the present.)

John Howard, a witness called on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff :

Q. I am sorry we are compelled to call upon you; I know that you are in delicate health, but I will have to ask you a few questions touching this \$1,000 that Captain Creeden says he borrowed of you; is that true? A. Yes, sir.

Q. Did you give Captain Creeden the money directly? A. No, sir.

Q. To whom did you give the money? A. I paid it to Bernard O'Rourke.

Q. For what purpose did you pay it? A. It was represented to me as a loan; well, that was about it.

Q. Now you will, I know, tell us all that you know about the matter; did you not understand at that time that the resident of that neighborhood, men of business, were contributing to this loan, to make it up? A. Yes, sir.

Q. And that they were paying \$1,000 apiece about? A. Well, I heard that some of them paid \$1,000; I don't know what others paid.

Q. Of whom did you hear that paid \$1,000? A. Well, it is merely hearsay; I didn't see any of them subscribe.

Q. I know; that we understand, Mr. Howard; but the names of those persons that you heard that had subscribed \$1,000? A. Mr. McGurk, Mr. Herzberg.

Q. Did you hear Hanson's name mentioned, Billy Hanson? A. I heard his name mentioned, but not in connection with any particular sum.

Q. I beg pardon; not in connection with any particular amount, but with some amount? A. Yes, sir.

Q. As being a subscriber to a certain fund? A. Yes, sir.

Q. Did you hear the name of Charley Hoffman mentioned?
A. I think I did.

Q. As being a subscriber to the same fund? A. Yes, sir.

Q. Did you hear the name of Charley McKeon mentioned, corner of Hester and Chrystie streets? A. Yes, sir; I know him; I think I did also.

Q. As being a subscriber to the same fund? A. Well, his name was mentioned in connection with it; whether he subscribed or not I have no knowledge.

Q. Did you hear the name of Martin Kirby mentioned? A. I did, sir.

Q. As being a subscriber to the same fund? A. I think so.

Q. Did you hear the name of Frederick Sellig, the milkman, mentioned at Canal and Allen streets? A. I forget about it.

Q. Did you hear the name of George Groewling, that keeps Military Hall; did you hear his name mentioned? A. Just in the same way that I heard other names mentioned in connection with it, but not as to how much.

Q. Did you hear the name of Mr. Reppenhagen mentioned?
A. No, sir.

Q. Did you hear the name of Harry Miner mentioned as one of the parties subscribing to this fund? A. Just in the same connection as the other.

Q. Now, who made the collections so far as you are concerned?
A. I gave mine to Mr. O'Rourke.

Q. Did you get any receipt for the \$1,000 that you paid? A. Yes, sir; I got a note.

Q. Whose note? A. Mr. Creeden's note.

Q. Captain Creeden's note? A. Yes, sir. }

Q. Has that note been paid? A. Yes, sir. }

Q. Do you remember how long that note was made for? A. forget now, sir.

Q. Was that note made payable to you? A. Yes, sir.

Q. You didn't pay the money directly to Captain Creeden, you say? A. No, sir.

Q. You paid it into Mr. O'Rourke's hands? A. Yes, sir.

Q. Did you have any conversation with Captain Creeden about this fund, whatever it was? A. Well, now, I don't recollect that; I couldn't say that positively.

Q. I don't want to press you if you are not positive, because I believe, Mr. Howard, that your intention is to tell the whole

truth in the matter; now, for what purpose was this fund raised, so far as your knowledge or information went? A. The way that I was informed about it, if my recollection serves me right, is that it was a testimonial or a fund that was to be gotten up for Captain Creeden, or, I mean, Sergeant Creeden at the time.

Q. Did you hear anything said about it being necessary to get up such a fund for him so that he could be made a captain?

A. Now, Mr. Goff, I don't know as I could answer that exactly.

Q. I know how desirous you are, of course, to not do anything to injure any one; but then your own conscience is more sacred to you than anything else; I ask you if it was not a fact that a fund was gotten up in that precinct, to which you were a subscriber, to enable Sergeant Creeden to become a captain? A. Well, should I get that information positively, or from rumor.

Chairman Lexow.—What we want to know is the information you acted on in giving that \$1,000 to the fund.

By Senator Bradley:

Q. What was your object in giving it? A. My object in giving it was to make a fund, or a testimonial, to Sergeant Creeden.

By Chairman Lexow:

Q. Now, Mr. Witness, how is that possible, when you took a promissory note back for the whole amount of your contribution? A. How is that?

Q. How could that be a testimonial to Captain Creeden, when you took Captain Creeden's note for a thousand dollars back?

A. Perhaps I am wrong in saying testimonial, or a fund.

By Senator O'Connor:

Q. To be used for what purpose? A. Well, I don't know as the purpose was exactly stated to me at the time.

Q. What did you understand it was to be used for?

By Senator Bradley:

Q. You as a business man would not give a thousand dollars away unless you knew what you were giving it for? A. I would give a thousand dollars on the reputation of Mr. O'Rourke, and his word was satisfactory to me.

By Senator O'Connor:

Q. What did you understand to be the purposes of this fund; what did Sergeant Creeden require this money at the time for; you must have had some understanding at the time you gave this \$1,000 and took his note? A. Well, should I know that positively from any particular person.

By Chairman Lexow:

Q. Oh, no; the information you acted on; that is all? A. I acted on the suggestion of Mr. O'Rourke principally.

Q. For what purpose? A. For making up a fund for Sergeant Creeden.

Q. To make him a captain; that is right, isn't it? A. Now, I haven't got particular recollection on that.

Q. But that is your judgment about it, isn't it; that is your best recollection of it? A. There may be something in connection with that subject in my mind when I gave it; who gave it to me I don't know.

Q. The fact was, you were lending money to Captain Creeden, weren't you; you were lending money to Captain Creeden and taking his promissory note for it? A. I gave the money to Mr. O'Rourke and I got Captain Creeden's note for it.

Q. The fact of it was that you were lending it to Captain Creeden? A. Very likely.

By Mr. Goff.

Q. And Captain Creeden paid you himself? A. No, sir.

Q. Who paid you? A. I got checks from Mr. Miner from time to time for the amount.

Q. Mr. Harry Miner? A. Yes, sir; his checks.

Q. Who delivered his checks to you? A. They came by mail.

Q. Do you remember how many payments? A. No, I do not.

Q. Did you deliver to Mr. O'Rourke the \$1,000 in bills? A. No, sir.

Q. In a check? A. Yes, sir.

Q. Payable to his order? A. Yes, sir.

By Chairman Lexow:

Q. How was it explained to you that inasmuch as you were getting a promissory note of Captain Creeden's back that

your money was not paid directly by you to Captain Creeden?
A. Captain Creeden never asked me for any money, in the first place; in the next place Mr. O'Rourke and I had some conversation about making up a fund for Captain Creeden, and he said he was poor and had a large family and all that kind of business, and said that his family's education cost him a good deal and so on; and besides that I lent Captain Creeden formerly on two or three former occasions money which he paid back and which he said was for the purpose of paying for the tuition of his children.

By Mr. Goff.

Q. You paid this previous money to Mr. O'Rourke, did you?
A. No, sir; no, the previous money, I paid that directly to Captain Creeden.

Q. When Captain Creeden borrowed money from you for the purpose of the education of his children he made personal application to you? **A.** Yes, sir.

Q. That is it? **A.** Yes, sir.

Chairman Lexow.—Mr. Goff, do you think it advisable to have witnesses who are going to testify on the same subject remain in court here?

Senator O'Connor.—Seems to me, Mr. Goff, these witnesses ought to make this thing short. They are monkeying with a buzz-saw just now.

Mr. Goff.—They are just as well off here as they would be out in the corridor, better.

Senator O'Connor.—The facts seem to be too compact. It don't seem to me that they ought to have the hardihood to try to evade the situation.

Mr. Goff.—Mr. Howard, I will not detain you any longer.

William Snell, a witness called on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. What is your business? **A.** Real estate.

Q. Where is your place of business? **A.** Place of residence, 25 Stanton street.

Q. You keep an account in the Germania bank? **A.** Yes, sir.

Q. This is your deposit book (book shown witness)? A. Book of deposit; yes, sir.

Q. Now, I read from this deposit book, that on January 24, 1892, you deposited \$15,000.

Chairman Lexow.— That is right?

Mr. Goff.— See the book.

A. (Witness examining book) Yes, sir.

Q. That is right, is it; where did you get that \$15,000? A. If my recollection serves me right, I think I was appointed a stakeholder or custodian for a certain amount of money.

Q. Now, you were appointed custodian? A. Yes, sir.

Q. Who appointed you custodian? A. At the solicitation of my brother-in-law, Mr. Patterson.

Q. Who is Mr. Patterson? A. A brother-in-law of mine.

Q. What is his first name? A. Daniel.

Q. Daniel Patterson? A. Yes, sir.

Q. Wasn't he a member of Assembly at one time? A. Yes, sir; two terms, I believe.

Q. I think from the Tenth district, wasn't it? A. I think so; Eighth Assembly.

Q. What did he tell you that this fund was for, that he asked you to be a custodian of? A. I think it was a wager, or something of that kind.

Q. Who gave you the money? A. I received it in checks from Mr. O'Rourke.

Q. From Mr. O'Rourke? A. Yes, sir.

Q. Didn't you receive it in cash? A. No, sir.

Q. Are you sure? A. Pretty positive.

Q. You are pretty positive? A. Yes, sir.

Q. Did he give you his own check? A. No; there were various checks.

Q. Well, give me the name of one check? A. I think Mr. Howard was one.

Q. Mr. Howard? A. I think, if I am not mistaken; Mr. Herzberg might have been one.

Q. Was Mr. Miner one? A. Not to my knowledge, no; in fact, didn't look at the face of the checks; Mr. O'Rourke indorsed them and I deposited them.

Q. And the checks footed up \$15,000? A. They may and they may not; I may have had some of my own personal balance to add to it.

Q. Now, let us see; this sum amounting to \$15,000 was deposited on January 4, 1892? A. It must be so if it is there.

Q. This is the date on the bank-book; if you were asked to become custodian of a fund you would not mix up your own moneys with it? A. I might have made a deposit and still made a memorandum of what amount I had held out.

By Chairman Lexow:

Q. What is your present recollection; that this was one fund, the \$15,000? A. I couldn't answer the question.

Q. Is it possible that you became a stakeholder for a large amount of money like that without knowing the amount? A. It might have been \$14,000; and it might have been \$12,500.

Q. Do you often become stakeholder for amounts of that size? A. Yes, sir; why the book will show you, Senator, where I have carried a balance there of over \$10,000.

By Senator O'Connor:

Q. Who won the bet; who did you pay it out to afterward? Mr. Goff.—Now, we will have to get at this patiently.

By Chairman Lexow:

Q. Have you any written memorandum accompanying the payment to show what the bet was? A. Yes, sir.

By Mr. Goff:

Q. Where is that memorandum? A. Destroyed.

Q. When? A. Shortly after the bet was paid.

Q. Why did you destroy it? A. Oh, I suppose — well, I can not explain why.

Q. But you did? A. Yes, sir.

Q. Now, you say here that you often carry such amounts? A. Yes, sir.

Q. As stakeholder? A. Not altogether as stackholder; in real estate transactions.

Q. In real estate transactions? A. Yes, sir.

Q. Have you had any real estate transactions of the proportions of this sum of \$15,000? A. Not to my recollection, of late.

Q. In what proportion of the sum of \$10,000? A. Well, I can not recall as to date, counsellor.

Q. What? A. I can not recall it; I don't think I done much since 1885 or 1886.

Q. I find in your bank account, Mr. Snell, that there has been since 1891 but one item of \$8,000 approaching at all the sum of \$15,000 which you deposited on January 4th? A. I guess you will find a balance there of \$10,000.

Q. That is not a deposit? A. No.

Q. You are talking about deposits? A. Oh, yes.

Q. Now, I find on January 11th, the day before Captain Cree-den was made captain, that there were \$3,300 deposited in addition to the \$15,000? A. Yes.

Q. Do you remember what that was? A. I do not, sir.

Q. Do you know where you got the money? A. I couldn't answer that question; probably a debt or something.

Q. What? A. Probably a debt.

Q. If it is a debt, who owed you \$3,300? A. I can not tell you; can not recollect it.

Q. If a debt of \$3,300, is it likely that you would forget it in two years? A. Very likely; yes, sir.

Q. Your memory is treacherous about those things, is it not? A. Well, I have little dealings with that description.

By Chairman Lexow:

Q. Who won the bet? A. I don't know what the bet was.

By Senator O'Connor:

Q. Who did you pay the money over to?

By Chairman Lexow:

Q. Who did you pay money over to? A. I paid it to Mr. Reppenhagen.

Q. Mr. Reppenhagen? A. I got an order from other people to pay it to him.

Q. Who is he? A. Well, he is a gentleman that keeps a store corner of Broome and Chrystie street; he is in the court room.

Q. Who gave you the order? A. Mr. O'Rourke and the committee.

Q. And the committee? A. Yes, two or three.

Q. Who was the committee? A. Mr. Howard was one, I believe, and Mr. O'Rourke the other, and I forget the other.

Q. Howard was one? A. Yes, to the best of my recollection.

Q. Who else? A. O'Rourke.

Q. And who else? A. I couldn't recollect the others.

Q. How many were there? A. There must have been about five altogether.

Q. Do you mean to say that Mr. O'Rourke came to you and gave you the order? A. No, I got the order from Mr. O'Rourke.

Q. How long after you got the fund? A. I couldn't tell you.

Q. Days or weeks? A. Weeks.

Q. You say you don't know what the bet was? A. No, sir.

Q. Have you ever before been stakeholder of the bet that you didn't know what it was? A. Yes, sir; I have been stakeholder of a certain amount of money.

Q. You said a little while ago that the character of the bet was entered upon a memorandum which you afterwards destroyed? A. Yes, sir.

Q. Which is true, that you did not make a memorandum or that you did and destroyed the memorandum? A. I fail to recollect it.

Q. I would be a little careful; I would make a plain statement of this matter, if I were you, as near as you know it, and avoid any possibility of liability; I think you know by this time that counsel has enough evidence in his possession to show what he proposes to show and that there is no use trying to escape and that the best thing to do is to admit what you know about it? A. I told you the plain truth.

Q. Don't suppress anything? A. I haven't.

Q. You don't mean that you as a business man would take \$15,000 on a wager of this kind without knowing anything about it and then pay it out on the order of Mr. O'Rourke?

A. That is the truth.

By Senator O'Connor:

Q. You don't know what the bet was? A. No, sir; I was custodian for that amount of money; I was asked to hold that amount of money.

By Chairman Lexow:

Q. Do you mean to say that you never inquired? A. Oh, I have heard — no, I never inquired about it.

Q. Was it because you had an idea what it was for and you didn't want to inquire? A. Yes, sir.

By Mr. Goff:

Q. Now, what was the idea? A. I had an idea that there was going to be a presentation made to Captain Creeden.

Q. Presentation? A. Yes, sir; that was the idea.

Q. What was there in that idea of a character that would lead you not to inquire about it; no harm in making a presentation? A. No; the conversation that ensued after.

Q. Don't you know that you had in mind the fact that the money was going to be used to purchase an appointment as captain, for Captain Creeden? A. No, sir.

By Chairman Lexow:

Q. Then what was there about it that restrained you from inquiring what it was? A. Well, I don't know; I can not answer it.

Q. You did answer a moment ago, to the effect that the circumstances were such as you didn't want to inquire? A. That was an idea of my own; nothing positive attached to it.

By Mr. Goff:

Q. Well, you understood that this was to be a presentation to Captain Creeden, did you? A. Yes, sir.

Q. Was he captain at the time? A. Yes, sir.

Q. Well, you made this deposit on January 4th? A. Yes, sir.

Q. He was not appointed until January 12th? A. Well, the money was not surrendered, I don't believe, counsel —

Q. Answer my question? A. Yes.

Q. You made the deposit January 4th, and Captain Creeden was not appointed until January 12th; now was this presentation to be made to Captain Creeden when he was promoted to the rank of captain; was that it? A. I couldn't answer that question; I don't know.

Q. If it was to be a presentation to Captain Creeden or to Sergeant Creeden? A. I understood so afterward.

Q. You understood it was to be a presentation to Sergeant Creeden? A. Yes, sir.

Q. Now, you, as a careful business man, were taking charge of \$15,000 that didn't belong to you? A. Yes, sir.

Q. And you were becoming personally responsible for that \$15,000? A. Yes, sir.

Q. When you accepted the \$15,000, you knew to whom you were to pay it? A. I didn't at that time.

Q. Do you mean to say that you didn't know to whom you were to give \$15,000 that you had become responsible for? A. I mean to say that.

Q. How were you to ascertain to whom to give it? A. I was told by my brother-in-law that on an order given that I was to take and pay it over.

Q. To any one that Mr. Patterson would designate? A. No, Mr. O'Rourke.

Q. Any one that Mr. O'Rourke would designate? A. Yes, sir.

Q. On an order from Mr. O'Rourke? A. Yes, sir.

Q. Now, you kept that order, did you not? A. I destroyed it after payment.

Q. Why did you destroy it? A. Well, I had no further use for it.

Q. Wouldn't it be protection; wasn't that a very great use for it? A. Probably, yes.

Q. What? A. It might have been.

Q. Now, I want you to answer my question? A. Well, I think I had the check, and I thought that was a valid receipt.

Q. How could it be a valid receipt to be given to a person who didn't give you the money? A. Well, on the authorization; of course, I suppose it was indiscreet on my part.

Q. Never mind about the indiscretion; I want the fact? A. Well, I surrendered it on the order I received.

Q. How could you protect yourself for surrendering the money unless you preserved that order? A. It was my idea the check was sufficient receipt.

Q. But if you made the check to another person how could it be a sufficient receipt? A. That is true.

Q. What? A. I say that is true, but I did so.

Q. You had a motive in doing that, did you not? A. No, sir.

Q. Did you pay this money to Mr. O'Rourke? A. No, sir; I paid this money to Mr. Reppenhagen.

Q. What was he, an alderman? A. No, sir.

Q. He held a political position there some time? A. No, not to my knowledge; he ran for alderman and ran for coroner.

By Chairman Lexow:

Q. He had a saloon there? A. Yes, sir.

By Mr. Goff:

Q. How long did you keep the \$15,000? A. I couldn't answer; probably two or three weeks or more.

Q. Who delivered you the order to give that \$15,000 to Mr. Reppenhagen? A. I think it came through the mail.

By Chairman Lexow:

Q. Came through the mail? A. Yes, the order to take and draw a check out to Mr. Reppenhagen's favor.

By Mr. Goff:

Q. How did it read? A. That I can not recollect; I suppose it said, "Pay to the order of John W. Reppenhagen such and such an amount."

By Mr. Goff:

Q. How was it signed, the order? A. By O'Rourke.

Q. Do you know his signature? A. Yes, sir.

Q. And you seen his signature before? A. Yes, sir.

Q. From whose hands did you receive this money? A. From Mr. O'Rourke's; it was not money, it was checks.

Q. Now, you are clear about that? A. Yes, sir.

Q. It was checks? A. Yes, sir, pretty clear it was checks.

Q. You are as clear and positive about that as everything else that you have testified to in connection with this transaction? A. Very near.

Q. No; are you; not very near; you are pretty positive? A. I am pretty positive it is checks.

Q. Now, was it all in one check? A. No, sir, several.

Q. Were they all his own checks or checks made payable to his own order? A. No; checks indorsed by him.

Q. Checks indorsed by him? A. Yes, sir.

Q. But all made payable to his order? A. Yes, sir; I think so.

Q. Could you tell us how many — A. I think so; I wouldn't be positive as to that.

Q. I want to get the fact? A. To the best of my knowledge and belief, yes.

Q. Could you tell us how many checks there were? A. That I couldn't answer; quite a number.

Q. Were there \$15,000 checks? A. No, sir; in various amounts.

Q. Any over \$1,000? A. Not to my knowledge.

Q. Any under \$1,000? A. Yes, sir.

Q. Then were there more than 15 checks? A. Yes, sir.

Q. Twenty checks? A. There might have been 20 and might have been 25.

Q. Might have been 25? A. Yes, sir.

Q. Didn't you keep some account of the checks? A. I didn't, sir.

Q. Did Mr. O'Rourke give you those checks in person? A. We both went into the little space there and he indorsed —

Q. What little space? A. Where they generally count up the checks, like a little closet.

Q. Where? A. In the bank.

Q. Did you meet Mr. O'Rourke by appointment? A. No; he came to the house to see me; I didn't expect him there at the time.

Q. What did he come to see you for? A. For the purpose of being custodian for this amount of money.

Q. Did he tell you what the money was for? A. No, sir; I didn't inquire.

Q. You understood that that was not to be done, that you were not to inquire? A. No; I didn't understand that matter; I was selected as stakeholder.

Q. Now, we have it that you were selected as stakeholder of a testimonial; is that it? A. I couldn't answer what it was for at the time.

Q. You were stakeholder of a testimonial, were you not? A. I cannot answer that.

Q. Then what were you stakeholder of? A. I really don't know.

Q. You don't know? A. No, sir.

Q. Was the word "stakeholder" used? A. Yes.

Q. Then who were you to pay the stakes? A. Why Mr. O'Rourke came to me with that amount of money and I deposited it.

Q. Did Mr. O'Rourke tell you that you were to be stakeholder for this amount of money? A. No; my brother-in-law.

Q. What did your brother-in-law say? A. He said I was selected as a stakeholder.

Q. For what prize fight were you selected as a stakeholder? A. I don't know that there was any prize fight attached to it.

Chairman Lexow.—Why, Mr. Goff, he testified in the first instance that he was stakeholder for a bet, and that the terms of that bet were set out in a written memorandum, which he afterwards destroyed; then afterwards we get this story about the testimonial.

Q. When you swore to that before, that the terms of the wager were set out in a memorandum that you afterwards destroyed, did you swear to a truth or a falsehood? A. No, sir.

Q. Did you swear to what was true or what was false? A. I swore to what was true.

Q. Now, tell us just what the terms of the bet were? A. Gentlemen, I stated before the terms of the bet were that I was to hold it; and I didn't inquire into the matter; but I heard rumors after.

Q. You say you received a written memorandum containing the terms of the bet? A. I made that memorandum myself, as to the amount of money received; not as to the terms of the bet.

Q. When you said to the Senators a moment ago that you received a written memorandum containing the terms of the bet, did you swear to what was true or what was false? A. There was a misunderstanding in that case.

Q. Were you mistaken there? A. There was a misunderstanding; I made the memorandum myself; I didn't receive a memorandum.

Q. Will you please to listen to my question; now, you are getting into very deep water, Mr. Snell; when you swore a moment ago that you received a written memorandum which contained the terms of the bet, did you swear to what was true or to what was false; answer yes or no? A. No, sir.

Q. What was it? A. It was false then.

Q. Now, we have got down that there was one falsehood; now, we will show you another falsehood that you have sworn to; I hand you a stub check-book, or stubs of checks together with the check-book, and ask you if the various entries on those stubs are in your handwriting? A. I believe they are; yes, sir.

Q. Look over the whole of them. A. Yes, sir.

Q. You kept your own books and your own bank account? A. Yes, sir.

Q. You wrote out your own deposit slips, did you not? A. Not always.

Q. When you do not, who else writes them out? A. Sometimes my brother-in-law does it.

Q. Mr. Patterson? A. No, sir; my brother-in-law, Mr. Snyder.

Chairman Lexow.—This is a very serious matter. You understand that if you were a stakeholder for the purpose of bribery or any other matter of that kind, and you testify to the truth here you are perfectly safe against prosecution, indictment, or anything else. But if you swear to a falsehood here on the stand, you are just as much liable to the penalties of perjury as if you were before the Supreme Court or any other judge in the land.

The Witness.—I understand perfectly.

Q. Now, which one of the subscribers to that fund or stake, as you call it, gave a check for \$5,000? A. None to my knowledge.

Q. You would know it, wouldn't you? A. No; I don't believe there was any one gave that amount of money.

Q. Which one gave a check for \$4,000? A. None to my knowledge.

Q. Which one gave a check for \$3,000? A. None to my knowledge.

Q. Which one gave a check for \$2,000? A. I couldn't answer it.

Q. Can you not make the same answer to that that you did to the others? A. Not to my knowledge.

Q. Which for \$1,000? A. I believe I saw one; Mr. Hanson, I think; I am not very positive; I think Mr. Howard's; in fact, there were a number of checks running from \$250 to \$1,000; I can not recollect who they were and what they were.

Q. You think \$1,000 was the highest sum? A. I believe it was.

By Chairman Lexow:

Q. Don't the stub of the check book where the deposit is made show the names of the persons subscribing? A. No, sir.

Q. Don't you enter the names of the persons who give you the checks opposite the deposits? A. No, sir; I put the amount down in full.

By Mr. Goff:

Q. That is your handwriting (paper shown witness?) A. Yes, sir.

Mr. Goff offered the paper in evidence and it was marked Exhibit 8.

Q. Now, we will start off by saying that here is the slip, that deposit slip? A. Yes, sir.

Q. We find that you deposited of that sum \$6,500 in bills? A. Now, if you say—

Q. Is it so; if so I want you to look at that? A. Yes, sir.

Q. Now, when you swore several times in answer to my questions that there were no bills but all checks, did you swear to what was true or what was false; answer yes or no? A. What is the question?

Q. (Repeated.) A. I must have sworn to what was false.

Q. Here is a check for the sum of \$2,000; did you see that (check shown to witness?) A. Yes, sir.

Q. When you swore several times in answer to my question that there was no check for an amount over \$1,000, did you swear to what was true or what was false? A. False.

Q. False? A. Yes, sir.

Q. You see, we will go on piling up these falsehoods against you, which are perjury? A. I swore to the best of my knowledge and belief.

Q. I understand you; we have it on the record what you swore to; when you swore that Mr. O'Rourke went into a little room in the back and indorsed all the checks over to you, did you swear to what was true or what was false? A. True.

Q. That was true? A. Yes, sir.

Q. What about the \$6,500 in bills? A. I was not aware that I deposited bills; I had forgotten it.

Q. Then that was untrue when you said that he had indorsed checks to the amount of \$15,000 to you? A. Yes, sir.

Q. Now, since we have it here that there was a check for \$2,000, will you please tell us whose check that was? A. I couldn't answer that.

Q. You couldn't answer that? A. I couldn't recollect it.

Q. You say that the checks amounted from \$250 up to \$1,000? A. Yes, sir.

Q. Now, I find that the lowest amount of any of the checks here is for \$500? A. Yes, sir.

Q. Just look at that (paper shown witness). Yes, sir.

Q. Just see if you see a \$250 check there? A. No, sir.

Q. When you swore awhile ago that there were checks from \$250 up to \$1,000, did you swear to what was true or what was false? A. To what was false.

Q. You see we are piling up these falsehoods? A. Well, to the best of my knowledge and belief.

Q. Now, according to that deposit slip there are but nine checks there; please look at it and count them? A. Yes, sir.

Q. Nine checks? A. Yes, sir.

Q. And if I mistake not you have testified that there were — A. About 20.

Q. About 20 or 25 checks? A. Yes, sir.

Q. Were you again mistaken, to use the most charitable word I can use? A. Yes, sir.

Q. You were again mistaken? A. Yes, sir.

Q. Now, you see I am trying to refresh your memory, and I would like to aid you all the way through, and after refreshing your memory about these things, of which you admit that you have testified falsely, don't you think your memory may be refreshed on the subject of what this sum was for? A. Not at that time.

By Chairman Lexow:

Q. But afterward? A. Insinuated afterward, yes.

By Mr. Goff:

Q. Don't you think you are liable to have sworn falsely on that subject, the same as you have on the other subjects? A. No, sir.

Q. Why are you any more certain on that subject than you are on the subjects you have been proven to have sworn falsely on, on the subject of checks? A. I can not recollect.

Q. I ask you why are you certain that you haven't sworn falsely on that subject any more than you are certain that you haven't sworn falsely on the subject which you have admitted that you swore falsely about? A. I was not told at the time what I was given the money for.

Q. I ask you, why are you so certain upon this subject?

Chairman Lexow.— That this is not just as false as the others? A. Well, I am positive it is not.

By Chairman Lexow:

Q. What was the insinuation? A. The insinuation was to give Captain Creeden the testimonial after he was made captain.

Q. The way you give Captain Creeden a testimonial is to draw a check of \$15,000 to somebody else? A. I was only the custodian or stakeholder of that amount of money; what became of it afterward I don't know.

By Mr. Goff:

Q. But you drew the check to another's order, not Captain Creeden's order? A. Yes, sir.

Q. And you drew this upon a written order? A. Upon an order; yes, sir.

Q. Signed by Mr. O'Rourke? A. By Mr. O'Rourke.

Q. And this check was drawn to the order of Mr Reppenhagen? A. Reppenhagen.

Q. I ask you again, that seven days afterward, on January 11th and one day before Captain Creeden was made captain, you deposited the sum of \$3,300?

By Chairman Lexow:

Q. Witness, now that your recollection has been refreshed, that there were not 25 checks but nine checks representing this \$15,000, there must have been larger sums than \$1,000 contributed by individuals to this fund; isn't that so? A. There must have been, yes, sir.

Q. Was there any sum as large as \$5,000? A. Not to my knowledge.

Q. Four thousand dollars? A. No, the deposit slip shows it.

Q. What is the largest on that deposit slip? A. I really don't know.

Mr. Goff.—The check is \$2,000, and the largest sum is \$6,500 in bills. Now, there is a gentleman that wants to get away, and I will ask you to step aside.

Chairman Lexow.—I suppose you want to complete this testimony to-night?

Mr. Goff.—That would be impossible, but if you want to sit why I am perfectly willing.

John A. Morschhauser, a witness called on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. What position do you hold in the Germania Bank? A. Cashier.

Q. That bank is situated at the Bowery, on what street? A. Corner of Rivington street.

Q. You have the books of the bank in court here, in the building? A. They are not exactly in the building, but they are on the street.

Q. You have them in charge of three men; they are under subpoena of this court? A. Yes, sir.

Q. We don't want to cause the bank any inconvenience at all; have you made or caused the bank to make a transcript of the account of William Snell? A. Yes, sir.

Q. I hand you that transcript; is that transcript a correct transcript of the books of the bank from his account? A. Yes, sir; both deposits and checks.

Mr. Goff offered the transcript in evidence and it was marked Exhibit 9 of this date.

Q. The deposit slip which I hand to you, representing the deposits of William Snell for January 4, 1892, is that deposit slip taken from the files of the bank? A. That is the original deposit slip.

Q. That, of course, is identified by Snell himself? A. This is the account not of William Snell, but William Snell, junior.

Q. I do not wish to name this bank, Mr. Cashier, but I ask you if the slip that I hand to you now is the slip which the bank received through the Clearing House? A. Yes, sir.

Q. Touching the transactions of what date? A. January 18th, received by our bank on the 19th; if you will let me see that paper again please; January 18th I have down here; we have got it on the 18th in our books.

Q. Does this slip which you hold in your hand show the transactions of the previous day with regard to the checks that you issue? A. Yes, sir.

Q. It does? A. No; not that we issue.

Q. That were drawn upon you? A. Yes, sir.

Q. That is what I mean, that were drawn upon your bank?
A. Yes, sir.

Q. Checks that were drawn upon your bank the previous day went to the Clearing House, and you received those from the Clearing House? A. On the morning of the next day.

Q. What is your Clearing House number? A. No. 78.

Q. And the bank mentioned here is the bank through which you clear? A. No, sir; we clear through the Clearing House.

Q. How does this bank which is mentioned here — A. That also clears through the Clearing House.

Q. I mean does this slip represent the checks — A. Coming from that bank.

Q. That is, the particular bank named on this slip? A. Yes, sir.

Q. Shows the checks drawn by you, and went through that bank? A. Drawn by our customers.

Q. Drawn by your customers on your bank and that went through the particular bank mentioned on this slip? A. Deposited in that bank.

Q. Coming in that bank through the Clearing House, being charged against you? A. Yes, sir.

Mr. Goff offered the slip in evidence and it was marked Exhibit 10 of this date.

Mr. Goff.—I think that is all, sir. You may go and take your books.

John W. Reppenhagen, a witness called on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. What did you do with the \$15,000 you got from Mr. Snell?
A. I spent them.

Q. Well, Mr. Reppenhagen, do you want me to call you a thief? A. No, sir.

Q. But if you spent this money, you are a thief? A. No; it was given to me.

Q. The money didn't belong to you? A. It was given to me.

Q. The money didn't belong to you? A. It was given to me by Snell.

Q. I know; it was given to you by Snell to spend? A. Yes, sir.

Q. And you spent money that didn't belong to you? A. If I got it rightly, yes.

Q. If money was given to you for a special purpose? A. No.

Q. That is what I want to understand; when you spent this money do you mean that you spent it in pleasure? A. Yes, in pleasure and in business.

Q. In pleasure and in business? A. Yes, sir.

Q. And Mr. Snell gave you \$15,000 to spend in pleasure and business? A. Yes, sir.

By Chairman Lexow:

Q. Do you mean to say that he told you at the time he gave you that money that it was for you to spend in pleasure and business? A. He told me it was for my use.

Q. He didn't say anything about a testimonial? A. No, sir.

Q. Nothing about a bet? A. No, sir.

By Senator Bradley:

Q. How long have you lived in New York? A. Since 1858.

Q. Do you think there could be three men found in the United States, or in the State of New York who would believe you, what you said? A. Well, that is the truth what I am saying now.

By Mr. Goff:

Q. Have you a bank-book? A. Not here; no, sir.

Q. You have a bank-book? A. Yes, sir.

Q. And a check-book? A. Yes, sir.

Q. And the stubs of checks? A. Yes, sir.

Q. You deposited this check that you got from Mr. Snell? A. Yes, sir.

Q. You made payable to your order? A. Yes, sir.

Q. You deposited it in the Bowery bank? A. Yes, sir.

Q. Had you other moneys in the Bowery bank besides that \$15,000? A. Yes, sir.

Q. How much? A. I couldn't say at that time.

Q. You say you spent this money on pleasure and on business? A. Yes, sir.

Q. What relations were there between you and Mr. Snell that would justify Mr. Snell in making you a present of \$15,000? A.

He told me they were given to him by some men to give to me; that is all.

Q. For to spend on pleasure and in business? A. Yes, sir.

By Chairman Lexow:

Q. And you mean to swear that he made that statement to you? A. He gave it to me.

Q. And that he made that statement to you? A. He didn't tell me where it came from.

By Mr. Goff:

Q. The Senator's statement is; did he make that statement that you have sworn to? A. I do.

By Chairman Lexow:

Q. Then if he stated here on the stand that he made no statement to you for the reasons of the payment over to you of the money, he stated a falsehood, did he? A. No; I don't mean to state that; I mean he gave me the money without telling me what to do with it.

By Mr. Goff:

Q. Then when you swore a little while ago that he gave it to you to spend on pleasure and business you swore to a falsehood? A. No; I did spend it.

Q. You swore that Mr. Snell told you when he gave you that \$15,000 that you could spend it in pleasure and on business; now, when you swore to that, did you swear to a lie or to the truth? A. Well, if I swore to it —

Q. But you did swear to it? A. It was false; yes.

Q. Then you swore false? A. Yes.

Mr. Goff.—That is the first perjury recorded against you here.

Chairman Lexow.—I think it is only fair for me to advise the witness that if he commits perjury, if he says anything that is false upon the record here, that perjury is just as much perjury as though committed in the Supreme Court before a Supreme Court judge, and will subject him to all the fines and penalties of perjury, and that this committee proposes to see

that any cases of plain perjury are presented to the grand jury for their action.

Witness.— Yes, sir.

Q. Then we have it now, that when Snell gave you the money he didn't tell you what to do with it; is that the truth? A. He told me the money was for me.

Q. Now, did he tell you anything else? A. No.

Q. Did you go to Snell to get the money? A. He brought it to me.

Q. Where were you when he brought it to you? A. In my store.

Q. Where is your store? A. Broome and Chrystie.

Q. Liquor store? A. Yes, sir.

Q. Did you expect him? A. No, sir.

Q. Wasn't it a great surprise to you to have a man come in and give you \$15,000? A. It was; yes, sir.

Q. Did you ask him who were the kind friends that had given \$15,000? A. He didn't tell me.

Q. Did you ask him, sir? A. No, sir.

Q. Did you ask him if he was the man who was giving you the \$15,000? A. Yes, sir.

Q. What did he say? A. He said it was nothing to me why he gave it to me.

Q. Was this the first thing you heard about this sum of \$15,000? A. Yes, sir.

Q. You weren't at all surprised? A. I was.

Q. Did your surprise prompt you to ask what kind friends had contributed such a sum to you? A. I might, but I don't remember.

Q. Will you swear you didn't? A. I will not.

By Chairman Lexow:

Q. Will you swear that he didn't tell you that it was a testimonial for Captain Creeden? A. I will; yes, sir.

By Mr. Goff:

Q. How much money did you give to this fund to Captain Creeden; how much did you give? A. Not a cent.

Q. Didn't you give a check? A. No, sir.

Q. Nor bills? A. No, sir.

Q. Will you swear that you didn't give any money for this so-called testimonial for Captain Creeden? A. No, sir.

Q. Were you asked for any? A. I didn't.

Q. Were you asked for any? A. No, sir.

Q. Did you hear of such a thing? A. No, sir.

Q. Is this the first time you ever heard it? A. I heard it before this.

Q. Where? A. Just around the corners.

Q. From whom did you hear it? A. From several people.

Q. And you have been a candidate for alderman in this city? A. I have, yes, sir.

Q. How many times have you been a candidate for alderman in this city? A. Two or three times.

Q. Which; two or three? A. I think it was in 1888, 1890, 1891.

Q. How many times have you been a candidate for Assembly? A. Once.

Q. Have you been a candidate for any other office? A. Yes, sir.

Q. What other office? A. For coroner.

Q. Were you elected to any of these offices? A. No, sir.

Q. Defeated everytime? A. Yes, sir.

Q. You have always been a self-supporting man? A. Yes, sir.

Q. Since your manhood? A. Yes, sir.

Q. Married? A. Yes, sir.

Q. Got a family? A. Yes, sir.

Q. And you support your family upon your earnings in your business? A. Yes, sir.

Q. You haven't gone around and asked people for charity, have you? A. What is that.

Q. You haven't gone around and asked people for charity? A. No, sir; never.

Q. Did you need this \$15,000 at that time? A. Well, no, not in need for it.

Q. Your family were not suffering for the want of any necessities of life? A. No, sir.

Q. You own your store? A. Yes, sir.

Q. And you have been rich enough to sustain the expenses of these many campaigns which you have described, have you not? A. Have what?

Q. I say, you have had money enough to bear the expenses of these political campaigns? A. I paid the printer, of course,

Q. That is what I mean; you paid your expenses every time?
A. Yes, sir.

By Chairman Lexow:

Q. Mr. Reppenhagen, do you think intelligent men can accept your statement that you received \$15,000 without knowing from whom it came or for what it was intended and used it for your own personal expenditures; do you think any reasonable man in the world could accept an explanation of that kind? A. Well, I got it that way.

Q. And spent it that way? A. Yes, sir.

Q. Do you think your fellow men will believe that statement?
A. I don't know.

Q. Would you believe it if any other man went on the stand and testified to a state of facts like that? A. If it was true the same as about me, I would, yes, sir.

By Mr. Goff:

Q. Have you been in any other corrupt dealings or transactions by which you got \$15,000? A. I have never been in any corrupt dealings.

Q. Mustn't it have been a crooked transaction by which you would make \$15,000? A. I don't think so.

By Chairman Lexow:

Q. Without working for it; what did you do for \$15,000? A. I did nothing.

By Mr. Goff:

Q. Was this a testimonial to you? A. I don't know what it was.

Q. Well how long did you keep the \$15,000? A. Until it was gone.

Q. What period of time? A. I couldn't tell you until I look at the bank-book.

Q. What? A. I couldn't tell you until I look at the bank-book.

Q. Bring your bank-book here in the morning and everything else? A. All right.

Q. Now, you have your check-book that you had at that time? A. Yes, sir.

Q. And your bank-book? A. Yes, sir.

Q. And your return vouchers, checks? A. I think I have some of them.

Q. Oh, yes; you have; you have sworn you have? A. I don't know whether I have got them all; I will bring them.

Q. You swore already that you had them all? A. Well, I could not do that.

Q. But you have done it; I don't know what you couldn't do? A. I got the stubs.

Q. You have sworn that you had all of your return vouchers; did you swear to what was true or what was false; did you or did you not? A. If I said all, I swore false; that is right.

Q. Another falsehood piled up against you? A. If I say it all, yes, sir; because I couldn't swear to that.

Q. What return vouchers are there that you haven't got? A. Well, I couldn't tell you.

Q. What? A. I might have them all.

Q. Then how do you know but that you have them all? A. I might at that.

Q. Don't you keep your return vouchers? A. For some length of time; may be a year.

Q. How long? A. Sometimes two or three years.

Q. Sometimes two or three years? A. Yes, sir.

Q. This is only a little over two years ago; haven't you got all the return vouchers for it? A. I won't swear positively.

Q. You have sworn that you have; we will expect them here or we will see the reason why you haven't got them; this money that you spent in pleasure and in business you drew out of the bank by check? A. Yes.

Q. Now, how much of it did you spend in business? A. I could not tell you.

Q. One-third? A. I was considerably in debt and I paid some of my debts.

Q. Did you one-third? A. I couldn't tell you.

Q. One thousand dollars in business and \$14,000 in pleasure; would that answer it; or \$10,000 in business and \$5,000 in pleasure? A. I couldn't answer that.

Q. You say you are greatly in debt; how much were you in debt? A. Five thousand dollars or \$6,000.

Q. To whom did you owe \$5,000 or \$6,000? A. Different tradesmen.

Q. Give us the name of one tradesman? A. Well, I think it is the brewer I owe considerable.

Q. Eh? A. I owed the brewer and liquor dealer.

Q. What brewer? A. The John Eichler Brewing Company.

Q. And how much did you owe the brewing company? A. I couldn't tell you the amount exactly.

Q. Did you pay the John Eichler Brewing Company out of these \$15,000? A. Yes, sir.

Q. You paid them out of your general account in the bank? A. Yes, sir.

Q. How much did you pay the John Eichler Company? A. I couldn't tell you the amount.

Q. How soon after you got the \$15,000 did you pay the John Eichler Company? A. I couldn't tell you that unless I looked at the book.

Q. Did you owe the John Eichler Brewing Company \$1,000 at that time? A. I guess I did.

Q. Did you pay them \$1,000 at that time? A. I think I did.

Q. Did you pay them \$2,000 about that time? A. No; I didn't.

Q. To whom else did you owe money? A. I think it was the liquor dealer I owed money.

Q. What was his name? A. Koshlan & Co.

Q. Where do they keep? A. They kept that time in Water street; now I guess they are in Front street.

Q. How much did you owe Koshlan & Co? A. I couldn't tell you.

Q. One thousand dollars? A. I don't think it was hardly that much.

Q. Five hundred dollars? A. It might be that.

Q. Did you pay them by check? A. Yes, sir.

Q. How soon after you got the \$15,000, a week after; how soon after you got the \$15,000 did you pay the John Eichler Brewing Company? A. About the same time.

Q. Now give me the name of another tradesman; you say you were very much in debt? A. Well, I don't remember it now exactly.

Q. Oh, yes, you have been very accurate in your recollection so far; can you not remember the name of another tradesman? A. It might be Rothman & Company, the ale brewers.

Q. I do not want what it might be? A. Yes, it was Rothman.

Q. How much did you owe Rothman & Co? A. I couldn't tell the amount.

Q. Where is their brewery and place of business? A. In Forty-seventh street.

Q. East or west? A. West.

Q. Near what avenue? A. I think it is near Tenth avenue.

Q. How much did you owe them? A. I couldn't tell you.

Q. How soon after you received this \$15,000 did you pay them? A. Somewhere after that.

Q. Now, is there any other creditor you can give me the name of? A. I couldn't.

Q. Are these all the creditors to whom you owed money and to whom you paid money? A. I might have owed some other people.

Q. Well, give me the names of the other people? A. I couldn't think of any just now.

Q. Will you swear that that was all the money that you have received, that you paid for business purposes out of these \$15,000? A. No.

Q. How much did you pay for business purposes? A. I couldn't say.

Q. How much did you spend for pleasure? A. Around about \$10,000, I guess.

Q. Don't start in the horse-racing racket, now; you had that in your mind, had you not? A. No, no.

Q. You weren't going to spring the horse-racing dodge, were you? A. No.

Q. You have discovered a new tack, have you? A. I don't know what you mean.

Q. What is it? A. I don't know what you mean.

Q. How did you spend the \$10,000 for pleasure? A. I kept it about me.

Q. Well, then, you drew it out of a bank? A. Yes, sir.

Q. Altogether? A. No; not altogether.

Q. What? A. No.

Q. Well, in how many drawings did you draw \$10,000? A. I think I drew once \$9,950.

Q. Was that for pleasure? A. Yes, sir.

Q. Nine thousand nine hundred and fifty dollars; why didn't you draw the \$10,000 and make a clean sweep of it? A. I didn't do it.

Q. You retained the \$250 for commission, did you? A. Commission, no.

Q. Why did you draw the particular sum of \$9,750? A. I did not say \$9,750; I said \$9,950.

Q. Why didn't you draw \$10,000; what idea was in your head when you drew a check for \$9,950? A. I had an idea of going away.

Q. How did you select the sum of \$9,950? A. I couldn't tell you.

Q. It would have been much easier for you to have written a check for \$10,000, would it not? A. I don't know.

Q. You don't know; I want to know by what method of reasoning you reached the sum of \$9,950? A. I couldn't tell you.

C. Well, you intended to go away? A. Yes.

Q. Where? A. I didn't know myself.

Q. Well, you intended to go some place? A. Yes, sir.

Q. To Sing Sing? A. That might be; I often passed there.

Q. Did you intend to take this money with you to State prison? A. No, sir.

Q. You say you intended to go away? A. Yes, sir.

Q. You didn't go away any place? A. No.

Q. What did you do with the \$9,950? A. I spent it.

Q. Where? A. I lost some of it.

Q. What? A. I spent it and lost some of it.

Q. Where did you spend any of it? A. I couldn't tell you.

By Chairman Lexow:

Q. How long did it take you to spend it? A. A couple of weeks.

Mr. Goff.—Mr Chairman, I consider it really a disgrace to our civilization and our institutions that this creature should sit on a chair under the sanctity of an oath, in a proceeding, and testify in the way he is doing. I consider it really a disgrace to our country to have such a creature as that in it calling himself a citizen. Rappenhagen, you go and bring your books here in the morning.

Chairman Lexow.—And, witness, you understand you are a witness now in this proceeding, and that you must not speak to anybody with reference to your testimony, or with reference to anything that is involved in this inquiry here. Do you understand that?

Witness.—All right, sir.

Chairman Lexow.—Now, don't make any mistake about that.

Witness.—No, sir.

Senator Bradley.—And don't go spending any more money either.

Mr. Goff.—I will further state, Mr. Chairman, that while I do not in one sense wonder at the laughter of derision which has been exhibited here, yet I am sorry to hear that instead, because of the scandalous perjury that that man has been guilty of, instead of laughter he should have been greeted with groans and hisses, if any expression should be made at all.

Chairman Lexow.—Yes; I think it is very ill-timed to make a subject of that kind a matter of laughter, and the sergeant-at-arms will see that that is not repeated. I have asked the sergeant-at-arms to see that order is maintained, and he must do so now on his own motion.

Mr. Goff.—It is holding up our proceedings, our institutions and our law to ridicule.

Henry C. Miner, a witness called on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. You are engaged in the theatrical business I believe? A. Yes, sir.

Q. And you have recently been elected a member of Congress by the voters of the Ninth Congressional district? A. Yes, sir.

Q. Now, you gave a check for the purpose of Captain Creeden, in some connection, did you not? A. Yes, sir.

Q. Now, I will put my questions directly to you; to whom did you give the check? A. I think I sent it to Mr. O'Rourke, Barney O'Rourke.

Q. For what purpose was it given? A. I was not present at any of their meetings; I sent my confidential man, Mr. Munn down there; he said they wanted to get up some money for Captain Creeden, and that he was to pay it back by giving a life insurance, or something, as security, and wanted to know if I would give my check and trust him for \$1,000; I said, "Yes," and I drew my check for \$1,000.

Q. What is the name of your confidential man? A. Mr. Munn.

Q. Is he with you now? A. He has been with me 16 or 18 years.

Q. Where is he to be found? A. He is at my counting-rooms in the People's Theatre in the daytime.

Q. In the Bowery? A. Yes, sir.

Q. Munn brought that word to you, did he? A. That is the word that Mr. Munn brought back to me.

Q. How did you come to make out the check before you received this word from Mr. Munn? A. I didn't make out the check before I received word.

Q. You mean to say that this word was brought to you before you drew the check? A. By Mr. Munn; I made out the check; I can not say whether I gave it to him to send down, or whether I sent it down, but I made the check out.

Q. Mr. Munn brought you this word that a testimonial was about to be given to Captain Creeden? A. I can not say he said for a testimonial.

Q. For some purpose? A. For some purpose; and would I loan him \$1,000, and I said, "Yes," and he was to give me a note, which was sent to me, or he gave it to Munn, or somebody.

Q. At any rate you received a note from him? A. I received a note.

Q. And did you receive payment on that? A. Yes, sir.

Q. From Captain Creeden? A. Yes, sir.

Q. Was it from him personally? A. He done all this business with Mr. Munn; he didn't do any of it with me.

Q. What is Mr. Munn's Christian name? A. William S Munn.

Q. Did you remember how shortly after you gave this check for \$1,000 that you received payment for it? A. It was a long time; the amount has only been paid up very lately.

Q. It was not paid altogether? A. No, he was to give so much a month.

Q. Do you remember if the amounts were received in cash or by check, the amounts paid to you on account of this check of \$1,000? A. I think that he brought the money when he got his monthly salary, each month.

Q. Did you make any check to any person in connection with this matter other than to Mr. O'Rourke? A. I always drew up checks for all of these gentlemen that loaned us money; Captain Creeden would bring each month so much money, and I would take it and divide it up amongst all of them.

Q. So you were made a sort of depository of the amounts paid by Captain Creeden from the general fund? A. There was to be a certain amount each month, one or two months he skipped, sometimes he had to pay his life insurance or something, and I did not of course get it that month; but each

month that he got his pay he used to bring so much money to my confidential man, and he would draw these checks to be sent around and divided up until it was paid; and I think he paid all of them.

Q. Can you tell us the sum which he paid each month? A. I couldn't tell you.

Q. About? A. As you subpoenaed me to bring my books and they are all here, they will tell just exactly.

Q. Have you got them with you? A. Not here; no, I have got them at my theater.

Q. Will you let us have them as soon as you can? A. To-morrow morning.

Q. Will you oblige us by sending Mr. Munn with these books? A. Mr. Munn will bring them down to-morrow.

Q. Now, you have spoken about a life insurance; did you get the life insurance? A. No; he never gave that, he never assigned it over to the parties, so I was informed; I don't know.

Q. Did you hold the notes that Captain Creeden gave for this money? A. I held my note; yes.

Q. Did you hold any other man's notes? A. No; I have not; I don't think Mr. Munn had any of these, I don't believe he did.

Q. You say as long as you were made a depository through which this money was paid back to the original contributors, it is reasonable to assume that you held the notes? A. No; I did not; the way I became to make this — if you call it custodian or receiver of this money, was that Captain Creeden was not paying these people, I believe, and the first time I ever saw him, was when they came to me and said, "If you go and speak to the captain he will give so much a month to you and you will divide it up amongst us;" I said, "All right, I will do that;" and I went over to the captain's precinct in Mercer street and asked him if he couldn't fix it to give so much a month to pay this money that was borrowed, and he said he would.

Q. That was in 1892, and the whole sum has been paid — what is about the last payment? A. Well, I should say within four months likely.

Q. Within four months this year? A. I should think within four months; yes; I wouldn't be positive as to the time.

Q. You say there were a couple of months at least that he had not paid anything? A. I won't say a couple of months; there was some time though that he could not pay; he said he had to keep up his life insurance, or something.

By Chairman Lexow:

Q. How long is your best judgment of that time that he did not pay? A. I think may be it was once or twice; I don't think over that.

Q. About two months? A. He was pretty punctual after he promised it.

By Mr. Goff:

Q. After he promised you? A. Yes.

By Chairman Lexow:

Q. From the time that he became captain until he made the first payment, how long elapsed? A. I couldn't tell you.

Q. Was it as much as two months? A. I can tell you to-morrow.

Q. Your books will show that? A. Yes; it will show all of the transaction.

By Mr. Goff:

Q. I wish to have it now appear that it was on account of the fault-finding of the contributors to this fund that captain Creeden was not paying them, that you assumed the duty? A. Yes, sir.

Q. And it was at their request? A. It was their request.

Q. That you were acting for the whole party? A. Yes, sir.

Q. Could you tell us how many creditors of this fund there were? A. I can to-morrow, because my stubs will show exactly.

Mr. Goff.— We will ask you to notify every witness under subpoena to-day to be here in the morning without fail, at half-past 10 o'clock; and further, that it is the duty of every witness under subpoena here neither to talk about anything that this committee may inquire about, or allow himself to be spoken to by any person about anything this committee may inquire about.

Chairman Lexow.— All witnesses are warned that they are under subpoena, and that they must not allow anybody to speak to them with reference to the matters under investigation here, and that if any person does approach them to speak to them, it is their duty to inform the committee of that fact.

The committee will stand adjourned now until half-past 10 o'clock to-morrow morning, and all witnesses must be present.

Proceedings of the Sixty-sixth session, December 14, 1894,
at 10:30 A. M.

Present—Senators, Clarence Lexow, Edmund O'Connor, Cuthbert W. Pound and Daniel Bradley. John W. Goff, Frank Moss and W. Travers Jerome, of counsel for the committee.

Mr. Goff.—From the commencement of our connection with this committee as its counsel, we have been extremely careful and solicitous that the process of the committee should be used only in cases where its jurisdiction could not be questioned. I say that in view of what I am about to state now, that inasmuch as it appeared in testimony before this committee yesterday, that a citizen of the city of Brooklyn paid money to a gentleman at the head of a political organization, which he regarded as compulsory payment, and which I describe as constructive extortion, and inasmuch as that evidence is now upon the record, if the gentleman named, Mr. Croker, has any desire or wish to explain that, or to vindicate himself from the imputation of receiving money from a constructive extortion, we cordially extend to Mr. Croker the privileges of the witness chair; and if this invitation publicly extended is noted by Mr. Croker by a communication from Mr. Croker to counsel it will receive prompt attention, and the earliest date possible will be assigned to him for that purpose.

Chairman Lexow.—I understand, Mr. Goff, that the only reason why you do not subpoena Mr. Croker is that it might be considered that the particular payment made in this manner was not properly within the legitimate scope of the investigation of this committee.

Mr. Goff.—That might be contended, sir.

Chairman Lexow.—And that, therefore, objection might be made to the service of the subpoena upon that ground.

Mr. Goff.—Yes, sir; or refusal to answer on that ground.

Chairman Lexow.—I think that the committee might supplement your statement by saying that if for any reason of convenience or otherwise, the fixed dates of the committee's attendance would not be satisfactory to Mr. Croker, that we will hold an extraordinary session at any time that may be convenient to him for that purpose.

Mr. Goff.—I quite coincide with that, sir; and, of course, it is but fair to state here, and has been stated with regard to other persons who have come here, that if Mr. Croker should see fit to accept this invitation, or to avail himself of the courtesy of the committee and to take the stand voluntarily, he will subject himself to such examination as counsel may desire.

Chairman Lexow.—It will follow the same course, as any other witness.

Mr. Goff.—A well-known member of the bar is at present here; he has got an engagement in court to-day and one of his clients is under subpoena here. As he has a legal question to present to this committee, I think we can with propriety allow that question to be presented now owing to his engagement, because we might have to keep his client under subpoena here for some time, and it might be a matter of great inconvenience to him.

Chairman Lexow.—You mean Mr. Howe?

Mr. Goff.—Mr. Howe. So in order to bring the matter forward, I beg leave to suspend the line of examination we were on yesterday evening.

Chairman Lexow.—The committee, on the assumption that counsel desires the committee to hear an argument upon the question, will do so.

Mr. Goff.—It will not be an argument.

Chairman Lexow.—The committee will hear you, Mr. Howe.

Captain Max F. Schmittberger, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. You are a captain of the police in this city? A. I decline to answer that question by advice of my counsel.

Q. But you can answer that question — you are a police captain? A. Yes, sir.

Q. Just state the length of time you have been captain? A. I have been captain four years.

Q. Now, how much did you pay for your appointment?

Mr. Howe.—This witness has been indicted by the grand jury for a felony upon matters which have been testified to before this committee. I think you are all aware of the fact of his

being under indictment for felony. I have advised him that his answers upon any subject here might tend to incriminate him on that proceeding, and I appeal to the committee under those circumstances that he be not compelled to answer questions.

Q. You are under indictment now, captain, for matters growing out of the testimony given before this committee? A. Yes, sir.

Q. Do you decline to answer the question put to you, or any other question relative to your duty or life as a policeman, on the ground stated by your counsel? A. I do.

Q. Will you please state the grounds? A. By advice of counsel.

Q. Please put it on the record.

By Chairman Lexow:

Q. That it might tend to incriminate you? A. I have no fear of incrimination.

Q. That is the ground? A. Well, I wouldn't want to say that.

Q. You do it by advice of counsel?

Mr. Howe.—I asked you to do it; never mind if it is as to whether the sun shines.

The Witness.—Very well.

By Mr. Goff:

Q. Is that your answer, that you decline? A. Yes, sir.

Q. Please state it yourself, in your own words? A. I decline to answer, on the ground that it might have a tendency to incriminate me.

Q. And you do that by advice of counsel? A. By advice of counsel.

Timothy J. Creeden, recalled, and testified as follows:

By Mr. Goff:

Q. Now, captain, have you reflected over night upon the testimony that you gave yesterday, and of the testimony that was given by the witnesses here? A. I have, sir.

Q. Did you appreciate the position in which you were placed yesterday after you record was read, your army record, and your police record; did you appreciate the very enviable position in which you were placed? A. I did, sir.

Q. You remember, captain, that at that time the committee as well as counsel notified you that anything you might testify to concerning the transactions surrounding your appointment could not be used against you in any court or any board, in any department—you remember that? A. Yes, sir.

Q. Now, captain, do you appreciate that both the committee and counsel did everything that was fair and generous to you in the manner of propounding the questions yesterday? A. I think they did.

Q. After the first question was asked you touching the payment of money for your appointment as police captain, you hesitated a long time before you answered; can you give us any explanation this morning why you hesitated so long? A. Yes, I can.

Q. Now, captain, give us that explanation in your own way, and just as you feel it in your own conscience? A. I had no desire, and did not wish to implicate anybody else, especially people whom I supposed were my friends, and were present in court; I did not wish to be placed in the light of an informer; and that is the particular reason.

Q. So that when you were confronted with that question you feared that to answer it in any otherwise than the way you answered it would implicate some friends of yours in some improper or illegal transactions? A. Yes, sir.

Q. And you are willing to take great risks even to your own danger in order to save your friends? A. Well, that was it.

Q. In other words you were determined to sacrifice yourself sooner than be called an informer—that is true? A. That is true.

Q. That is your nature, captain? A. Yes, sir.

Q. And a distinguishing feature of your race? A. With my family particularly so.

Q. For what reasons particularly? A. Being revolutionists.

Q. Revolutionists in Ireland? A. Yes, sir.

Q. So that the word informer carries with it a terrible significance there? A. It does, sir.

Q. More than it does even in our own country; hence you have hereditary dread of having that name applied to you? A. Yes, sir.

Q. And it was that dread and terror that caused you to hesitate yesterday in giving your testimony? A. Yes, sir.

Q. Well, captain, this investigation does not involve treason to our country nor treachery to one's friends surrounded and guarded as it is by the provisions of law applicable to it; and since we are not in Ireland, since you have not to deal with the informer in Ireland, and can not be accused reasonably of being such here, I ask you. captain, after your night's consideration and after reflection as to how this committee has treated you and the opportunity it has given to you, if you wish to state anything different from what you stated yesterday? A. Yes, I have reconsidered the whole matter, reflected over it after a consultation with my family.

Q. You have got a large family, I believe? A. I have.

Q. How many children? A. Eight.

Q. Well now, captain, tell us all about that transaction, and inasmuch as we are to hear it, the best way is the right way and the truthful way, and I have no doubt but what the great majority of people in this city considering your record and your service to our country will sympathize with the unfortunate position in which you have been placed — now, tell us the whole transaction? A. I was an applicant for the position of captain in the department that I was connected with so many years, from 1887, and went before the civil service board at the first examination they had here under that law, after which, having passed a creditable examination there, my name had been placed on the eligible list, but was never able to reach the place; I went through the same course a second time, with the same result; and the third time passed again a creditable examination; and friends of mine used to say to me, "What are you going there for, you are only wasting your time; if you don't make up your mind to do one thing, why you are losing your time and you had better stay at home;" and that was the situation of things down to the time that this vacancy was that I now fill; I remember very well at the time in December, I think it was the 29th of December, 1891, it was said the appointments or promotions were to be made, and if I remember right now the names were spoken of who were going to receive the places; I didn't come in on it, notwithstanding that I was on the list; a friend of mine says to me, "Why don't you bring some influence to bear on one of the commissioners, see him or have somebody see him."

Q. What commissioner? A. One of the commissioners; the one who had this vacancy to fill, "And you must do it or else

let the thing go by default;" I was sitting at the desk in the station at the time, I was on desk duty, and I says to him, "Who can I see?" "Well," he says, "Mr. Reppenhagen is the representative of the New York Democracy in this district, and he represents Mr. Voorhis."

Q. That was Commissioner Voorhis? A. Yes, sir; he says "I will go around and see him and see what he thinks of it." I says, "All right;" in the course of half an hour he returned saying, "Mr. Reppenhagen will be here in a few minutes and wants to see you;" he came and we had some conversation.

Q. Give us the conversation as nearly as you can recollect it? A. It was in relation to the appointment; I can not remember now the exact words.

Q. It was Reppenhagen who came? A. Yes; he came to the station-house.

Q. Can you not give us the substance of the conversation; I don't want to break in upon your narrative, except to remind you? A. That is now three years ago; and I really can not remember the exact words; but it had reference to the place.

Q. Proceed now? A. He says, "I will go right over and see Commissioner Voorhis, and see what can be done; I will be back here again;" he returned some time after; I don't know how long now; before I left the desk; and stated that Commissioner Voorhis would not make the appointment that day, and that he would see me again; the other appointments were made that day; he saw me subsequently and stated that the place could be had for \$12,000; I told him that that was considerable money, that I didn't have it; I didn't know how I could reach it.

Q. You were a poor man? A. I was; but, I said to him that I would see my friend and see what would be the result, and let him know; I called upon Mr. Barney O'Rourke, a friend of mine, and stated the circumstances to him; and he called the two friends together and talked the matter over; I, in the meantime, telling them that whatever they would agree upon I would stand by.

Q. That is, whatever your friends would agree upon? A. Yes; what my friends would do I would stand by it; and they agreed to make up a certain sum of money between them, and while they were working on it Mr. Reppenhagen came to see me again, saying there was another man at \$12,000 up, and if I wanted the place I must put up \$3,000 more.

Q. Did he mention the other man's name, captain? A. He did

Q. Give us the name please that Reppenhagen told you? A. Is it absolutely necessary?

Q. Yes, sir. A. Sergeant Weigand.

Q. What precinct? A. He was then in the Ninth precinct; he is now commanding the Fourteenth precinct.

Q. As captain? A. As acting captain.

Q. That is the precinct that Captain Doherty was at when he was dismissed from the department? A. Yes, sir.

Q. Reppenhagen said to you that this Sergeant Weigand would put up \$12,000, and that if you wanted the place you would have to put up \$3,000 in addition? A. Yes, sir.

Q. What did you say to him, captain? A. And also that I was to be left in the precinct that I was then doing duty in as a sergeant.

Q. I did not catch that, captain? A. I was to retain that precinct; to be left in that precinct.

Q. Well, captain, he said that in addition to you being made a captain you were to be assigned to the command of the precinct you were then doing duty in as sergeant? A. Yes, sir.

Q. That was the Eleventh precinct? A. Yes, sir; that is right.

Q. Tell us what you said to him? A. I said to him that I didn't know about that, that I would have to consult my friends again, and I went and saw my friends and laid the new proposition before them and they decided, said that it was all right, and I said if you think so I am satisfied.

Q. That is your friends said it was all right? A. Yes.

Q. In speaking of your friends, you refer to Mr. O'Rourke? A. And the other gentlemen who were interested in the affair; I then, and because of their desire, went to a stationery store, bought a blank-book, small book with blank notes, and went to the office and signed, I think, about a dozen of these notes, and then handed the book to Mr. O'Rourke.

Q. The amounts were not filled in? A. No, sir; he was to fill in according to what those people would do, his friends — my friends and his, that I didn't know anything about; the arrangement was to be carried out in that way.

Q. You gave him these blank notes with your signature on? A. Yes.

Q. So that he might fill in the names and the amounts? A. Yes, sir.

Q. And to be given to each of the persons who were to subscribe to this fund of \$15000? A. That was the understanding.

Q. Now, was there not something said then, captain, about a life policy? A. There was.

Q. How did that question come up? A. I brought it up myself.

Q. You volunteered that? A. I volunteered that myself, in case of anything occurring, life being uncertain, I wanted to protect my friends.

Q. Those persons who were going to subscribe this money? A. Yes, sir.

Q. And you proposed this yourself? A. I did.

Q. And that was to take out a policy of life insurance and assign it over as collateral security? A. Yes, sir.

Q. In case that you should die? A. Yes, sir.

Q. So that these contributors to the fund would be reimbursed? A. Would be protected against loss.

Q. And in pursuance of your offer, did you make an application to an insurance company? A. I did, sir.

Q. Mutual Reserve Fund Life Insurance Company? A. Yes, sir.

Q. I believe, for some reason, you did not get the life policy? A. I was suffering at the time with the grip, and when I went before the surgeons I couldn't pass, they found something the matter with me, and I was not considered a safe risk.

Q. And that was the reason why you were not enabled to carry out your own proposition touching this life insurance policy? A. That is it.

Q. The policy was to be \$10,000, was it not? A. Yes, sir.

Q. Well, your friends did not fail to contribute because you failed to get a life policy? A. No, sir.

Q. Now, captain, go on, I merely broke in? A. They hadn't exactly offered me that at all; I made that proposition myself, for the simple reason that I wanted to do something toward protecting them in case of anything occurring, my business being that of a dangerous one, I did not know what might happen to me, and these people interested themselves in me and I didn't want to see any of them lose anything on my account.

Q. Now, captain, resume your narrative, if you please; you got to the point where you gave Mr. O'Rourke the notes? A. Yes.

Q. Now, will you proceed, please? A. Those people came together at Mr. O'Rourke's call, those friends of mine, and the necessary amount was subscribed and placed with Mr. Snell.

Q. Now, how was that arrangement reached, that it should reach Mr. Snell's hands? A. I believe that Mr. Reppenhagen made that proposition.

Q. Was Mr. Snell present at any of these conversations? A. No, sir; he was not.

Q. Did you have any conversation with Mr. Snell? A. I did.

Q. Before the money was placed in his hands? A. Yes, sir.

Q. Now, will you tell us what that conversation was, captain, as nearly as you can recollect? A. I think it was that I told him; I had already told him that there would be some gentlemen call on him; no; now, let me see, I think it was a Mr. Patterson I had the conversation with.

Q. Daniel Patterson? A. Yes, sir.

Q. That is the brother-in-law of Mr. Snell? A. The brother-in-law; I think it was not with Mr. Snell at the time; I think it was with Mr. Patterson.

Q. Well, give us the conversation that you had; how did you see Mr. Patterson; was that at the suggestion of Reppenhagen? A. No; but I knew that Mr. Patterson was Mr. Snell's brother-in-law, and that he would answer the same purpose.

Q. Mr. Snell is known familiarly as Billy Snell; is he not? A. Yes, sir.

Q. It was Reppenhagen that suggested Billy Snell as the proper man to hold the money? A. Yes, sir.

Q. And after that you saw Mr. Snell's relative, Daniel Patterson? A. Yes, sir; that is my recollection of it now.

Q. Now, give us the conversation that you with Mr. Patterson? A. Well, it was to this substance, that Mr. Snell would be satisfied to hold that until such time as it would be decided who to pay it to—hold the amount, the money that was subscribed and the money to be paid on the order of Mr. O'Rourke; I didn't know anything about that, but I understood that to be the case; I am testifying to something now not of my own knowledge; I know nothing about it.

Q. That was your understanding? A. My understanding.

Q. What next took place? A. The matter went along for a number of days; I heard no more about it until one afternoon, John J. Martin came to the station-house looking for me and told me that Commissioner Voorhis wanted to see me; I went over to headquarters and saw Commissioner Voorhis, and he put some questions to me in relation to my time on the force,

etc.; and he then said it was rumored — told me that he wanted to appoint me; that he had it in his mind he would appoint me to the position of captain, but that he wanted to speak to me, as he heard rumors that there were a number of people over in the Tenth ward who made up a sum of money, and wanted to know if I had any knowledge of it; I told him I had no knowledge of it at all; and with that I left and came back to the station-house, and about five minutes after arriving at the station I was telegraphed for to come back again to the office; when I got there I was appointed and assigned to the First precinct.

Q. Well, captain, what was the next step?

By Chairman Lexow:

Q. I would like to ask the captain before he continues if he can give us the whole of the conversation he had with Commissioner Voorhis? A. That was the substance.

Q. Give as nearly as you can his words, and the words you said in answer? A. He asked me if I had any knowledge of a rumor that there were a number of liquor dealers who had pooled, made a lot of money up in my interest, I thought at the time he wanted to see what I would say, and I naturally denied it.

By Senator O'Connor:

Q. You denied it for a purpose? A. Yes, sir; because I came to the conclusion that if I said I did know anything about it I wouldn't get the place.

Q. You assumed at the time that was a question put to you by the commissioner to provide a kind of retreat for himself; your opinion at the time was that the commissioner was simply providing for his own retreat in case of necessity? A. That is the conclusion I came to.

Q. That is down here at Old Slip? A. Old Slip.

By Chairman Lexow:

Q. Do you understand that this witness Reppenhagen went directly from his conversation with you to Commissioner Voorhis? A. Yes, sir.

Q. Do you know that to be a fact? A. Except what he told me.

Q. He returned afterward? A. He told me so.

Q. Stated he had seen Commissioner Voorhis? A. And that there would be no appointment made that day as far as Commissioner Voorhis was concerned.

Q. Did he claim he had influenced Commissioner Voorhis not to make appointment that day? A. He did.

Q. That is what he said? A. He certainly claimed that, and certainly the appointment was not made.

Q. Do you mean to say he had said that during his absence with Commissioner Voorhis he had influenced the commissioner who was going to make his appointment with the other commissioners that day to leave his appointment in abeyance — that was it? A. Yes, sir.

By Senator O'Connor:

Q. It was after that he told you you would have to put up \$3,000 more? A. Yes, sir.

By Mr. Goff:

Q. Now, captain, you reached the point of your appointment and assignment to the First precinct; you felt disappointed at that, did you not, at the latter portion, being assigned to the First precinct? A. I was somewhat disappointed; yes.

Q. Now, the money at this time was in the hands of Mr. Snell? A. Yes, sir; at least, I believe so.

Q. You understood so, of course? A. Yes, sir.

Q. That had to be done before the appointment would be made? A. Yes, sir.

Q. I wish you to continue; what steps were taken then, captain, if any, in the matter? A. Well, the money was not paid right away.

Q. Why, captain? A. Well, there was no particular reason it was not paid, and Reppenhagen came down to the station-house to see me about it, and I told him he had better go up and see Mr. O'Rourke; said I, "They have got the matter in their hands; whatever they do is satisfactory to me;" and I believe that one of the reasons — I think there was a reason why the money was not paid at the time.

Q. Give us the reason? A. Mr. O'Rourke was not exactly satisfied, because he claimed that they broke their contract in sending me to the First precinct instead of the Eleventh.

Q. Mr. O'Rourke acted as your friend, in conjunction with other friends, contributing this \$15,000, on the condition that you should be made a captain and then appointed to the command of the Eleventh precinct? A. Yes, sir.

Q. That is the Eldridge street? A. Yes, sir.

By Mr. Goff:

Q. Did you inform Mr. O'Rourke and his friends of the assignment to the First precinct? A. They knew it.

Q. When they learned that you had been made a captain, but instead of being assigned to the Eleventh precinct, that you were assigned to the First precinct, they felt or considered that the contract was broken, as you term it — the agreement was broken in that respect? A. Yes, sir.

Q. And they withheld the money? A. They withheld the money some few days.

Q. Now, we come to the point when you told Reppenhagen to go and see Mr. O'Rourke; did you at that time say anything to O'Rourke about the breach of the agreement regarding the command of the precinct? A. I did not.

Q. Well, did you see O'Rourke after that? A. Yes; he made a second visit to me; he hadn't got the money yet.

Q. He went to see you again? A. The second time he brought a friend with him.

Q. Who was the friend? A. I don't know.

Q. What took place the second visit? A. I referred him again to Mr. O'Rourke.

Q. Tell us what he said as nearly as you can recollect, captain? A. I think that he told me they refused; that Mr. O'Rourke refused to act in the matter, and I told him he had better go back and see him; and I said I would go up and see him myself; he came back, and meantime I saw Mr. O'Rourke and I told Mr. O'Rourke he might as well let the thing go; there was no fighting over it; that I would have to stand the loss if there was any loss into it.

Q. That you would have to stand the loss? A. If there was any difference in the precinct, I would have to stand it, and I learned afterward that on an order the money was paid over to Mr. Snell; who gave the order I don't know; I don't know anything about it at all; I don't know that Mr. Reppenhagen got the money; that I don't know, except that I was told he received it.

Q. And, of course, you heard him testify last night that he did get the money? A. Yes, sir.

Q. Mr. Snell testified he gave him the money on Mr. O'Rourke's order? A. Yes, sir.

Q. Then you went to the First precinct? A. Yes, sir.

Q. And how long did you remain in command of the First precinct? A. April the 20th, 1892.

Q. Do you know of any effort made on the part of your friends to have you assigned to a better precinct than the First? A. I don't; I don't think there was any made.

Q. To what precinct were you transferred from the First? A. Fifteenth.

Q. And how long did you remain in command of the Fifteenth? A. Eight months.

Q. That is the Mercer street station? A. Yes sir.

Q. What captain did you succeed there? A. Captain Ryan.

Q. And where were you transferred from the Fifteenth? A. Tenth.

Q. To the Tenth precinct? A. Yes, sir.

Q. What station-house — Mulberry? A. Mulberry.

Q. How long did you remain in command of the Mulberry street station-house? A. One year lacking a day.

Q. And that brings us up to what time, captain? A. December 6, 1893.

Q. And to what precinct were you transferred from the Mulberry precinct? A. Thirty-third precinct.

Q. That is where? A. Morrisania.

Q. That is One Hundred and Sixty-fifth street? A. Sixtieth street and Third avenue.

Q. And you are in command of that precinct now? A. Yes, sir.

Q. Now, captain, before you made application this time that you received the promotion, had you before that made application for promotion? A. Yes, sir; three or four times.

Q. And you passed the civil service examination each time? A. Yes, sir.

Q. I ask you the times prior to this particular time when you received the captaincy, do you know how you stood upon the eligible list? A. The first examination I received a percentage of 97.82.

Q. Ninety-seven and eighty-two hundredths on the first examination; was there anyone on that list higher than you were

the first examination? A. Yes, sir; I stood ninth in a class of 22.

Q. Ninth in a class of 22; that was pretty close, percentage of 97 and a fraction; did any man lower than you in the scale, that is of percentage, receive a promotion at that time? A. No. 12.

Q. No. 12 received promotion — who was number 12? A. The late Captain Cassidy.

Q. He is dead? A. Yes, sir.

Q. Well, the second time that you applied for promotion what was your percentage? A. Ninety per cent.

Q. That is strange, did you depreciate in your knowledge and qualifications as an officer nearly 8 per cent.? A. Well, I don't know, sometimes the questions are different; it depends upon how questions are answered.

Q. But so far as you can state now you were possessed of all the capacities and abilities and the knowledge on your second examination that you were possessed of on your first examination? A. I was.

Q. You had not physically deteriorated, had you? A. No, sir.

Q. Or mentally deteriorated, as far as you know? A. No, sir.

Q. What was your standing in the list on the second examination? A. Twenty-eight; I think it was 28.

Q. In a class of how many? A. I disremember; a large number I know.

Q. You did not get the appointment then? A. No, sir.

Q. Did anyone lower than you get the appointment then? A. I think not.

Q. Well, the third examination? A. I think it was 96; I am not positive.

Q. I do not mean the examination yet that you were made captain? A. That is what I mean.

Q. That is the third? A. Yes.

Q. I do not wish to ask about that now; now at either of the two previous examinations, the first and the second, were you approached by any persons and told that you could not get the promotion unless you paid for it? A. I was.

Q. Was that the first examination or the second? A. First.

Q. Was there a price named? A. There was.

Q. What was the price? A. Six thousand dollars.

Q. And what year was that in? A. Eighty-seven, I believe that was the year; I am not positive.

Q. What was your answer to the proposition? A. I refused.

Q. Did you state the grounds of your refusal? A. I told them I did not think it was right; that I wouldn't go into it.

Q. On the second examination were you approached? A. No, sir.

Q. From your knowledge acquired from your first examination that you were not likely to get the promotion unless you paid for it, you went into the second examination? A. I did.

Q. Evidently, captain, the reputation that you had, you refused to pay on the first examination, allowed you into the second examination? A. I don't know.

Q. When you stood twenty-eighth in the class, what length of time was it between the first and the second examination? A. I think it was two years.

Q. You remember, captain, that on the third examination when you received the captaincy you received a rating of 96? A. I think it was 96 and some fraction.

Q. Do you know if there were any ratings on that list higher than your own? A. Yes, sir; there were.

Q. Were there any ratings on that list lower than your own, candidates who received an appointment or promotion? A. I can not remember now.

Q. Can you tell us if you received your rating at about the time that Mr. Reppenhagen visited you and told you that he represented Commissioner Voorhis? A. Oh, I had it some time previous to that.

Q. Now, captain, when you were made a roundsman you had not to pay anything for your promotion, had you? A. No, sir.

Q. And when you were made a sergeant you had nothing to pay for your promotion? A. No, sir; I was appointed by General Smith to both places.

Q. General Baldy Smith? A. Yes, sir.

Q. He knew your army record? A. He had a knowledge of it.

Q. You were appointed on your own merits? A. I was.

Q. While you were sergeant and after you had refused to pay for your promotion, the first suggestion that was made to you, did you experience any oppressions or inconvenience? A. No, sir; I did not.

Q. You were not subjected to any harshness, any extra harshness, were you? A. No, sir.

Q. Well, you knew, of course, that when you refused the first suggestion that was made to pay for your promotion, you knew it was wrong to do so? A. I did, yes, sir.

Q. And you said so? A. I did; I told them I didn't think it was right I should be called upon to do anything of the kind, taking my army record and my police record into consideration.

Q. You felt as a soldier and as a policeman that had always tried to do your duty, both in the field and in the city, that it was morally as well as legally wrong for a man to bribe his way into promotion—you felt that, didn't you? A. I did, yes, sir.

Q. Now, captain, when you did receive your promotion, of course, your moral sensibility had not changed? A. No.

Q. You knew it was wrong the last time as well as the first? A. I did, yes.

Q. Now, I ask you, captain, if you did not understand at that time, at the time of your promotion, that the system in the department had become so universal in its application that no man could get promoted unless he paid for the promotion? A. Well, that was the understanding.

Q. That was the understanding; and had it got to a point in the department, captain, and it was well understood by every man in the department, as far as common rumor and your understanding went, that any man that sought promotion, no matter what his merits may have been, had to pay for that promotion? A. Yes, sir.

Q. And under those circumstances you felt that you had to bow down to the system then in operation? A. That was it.

Q. Then you knew the system was corrupt and bad; you had to bow down to it? A. Yes, sir.

Q. The promotion that you felt should be yours upon the strength of your merits and your service, you felt never could be yours, if you did not comply with the corrupt system then in existence? A. That is so.

By Chairman Lexow:

Q. At the time of your interview with Commissioner Voorhis, did you say to him that you were a poor man, that you had a large family and that you were in debt? A. I think I did.

Q. Do you remember such a conversation, substantially like that? A. I think there was some conversation to that effect; that is the reason why I was seeking for promotion, in the interest of my family.

Q. Did the commissioner use any language to you substantially as follows, that if you had paid any money for your promotion you were a fool? A. He did.

Q. On that occasion? A. No; afterward.

Q. How long afterward? A. When I met him some time after in the street, he said there was a rumor reached him that I had paid; that if I had paid I had been swindled.

Q. Was that while he was still commissioner or after he had left? A. After he was out of the board.

By Mr. Goff:

Q. How long did he remain in the board after you were appointed captain? A. I can not exactly remember now; he was succeeded by Commissioner Sheehan.

Q. Did you ever come in contact with him while he remained a member of the board after your appointment as captain? A. Officially; yes.

Q. And there was nothing said by him to you about this rumor? A. No, sir.

Q. While he was commissioner? A. No, sir.

Q. I was following out the line of inquiry; you stated that you felt you had to submit to this corrupt and iniquitous system that then prevailed in the police department? A. I was told so; I was told I would have to do it.

Q. And you felt that from your own personal experience of previous applications, and from what you heard concerning the experience of other officers, that it was a matter of compulsion for you to do it if you would get promotion? A. Certainly I felt that way.

Q. Captain, when you gave this money, or at least when you consented that your friends should raise this fund for you, it was with the intent and purpose that the person having the appointment of police captain should receive this money as a bribe to make your appointment? A. Well, I suppose it was.

Q. That was the intent and purpose, captain, was it not? A. I couldn't make anything else out of it.

Q. And it was with that intent and purpose that you spoke to Mr. Reppenhagen? A. Yes, sir.

Q. And that was the understanding that Mr. Reppenhagen's conversation left with you and produced in your mind? A. Yes, sir.

Q. That it was to be used as a bribe? A. Yes, sir.

Q. And that he, Reppenhagen, was the go-between through whose hands the bribe was to go? A. That is the way I understood it.

Q. Now, captain, you have told us that you had a subsequent conversation with Commissioner Voorhis; I ask you if after the time that you have testified to when Reppenhagen and his friend, whose name you do not know, visited you as to why the money was not paid over, or had not been paid over at that time, did you have any subsequent conversation with Reppenhagen about the money or anything concerning it? A. I had two conversations with him, which I stated; he called at the station twice to see me in reference to why the money was not paid over and I referred him to Mr. O'Rourke.

Q. But I mean after these conversations, that you referred him to Mr. O'Rourke, did you have any other conversations with him? A. No, sir; not to my recollection now; I can not remember that I did.

Q. Were you informed by the person that the money had been paid over to Reppenhagen? A. Yes; I think Mr. O'Rourke told me that the money was paid over; I know I was informed; somebody told me, and I think it was Mr. O'Rourke; I am not positive.

Q. Now, did you ever have a word afterward with O'Rourke as to his having received the money? A. No, sir.

Q. Did he ever speak to you about it? A. No, sir.

Q. Well, after Commissioner Voorhis had ceased to be a member of the police board, when he met you and had this conversation with you, in which he told you that you were swindled, did you see Reppenhagen about that? A. I did not.

Q. Will you give us your reason, captain, for not seeing Reppenhagen after the commissioner told you that you had been swindled? A. Well, I thought that it would be a waste of time.

Q. Did you think that was part of the general scheme and understanding to throw dust in people's eyes in case anything would come out of it? A. That is about it.

Q. That was the understanding produced in your mind? A. Yes.

Q. Consequently, with that understanding, you did not think it worth your while to bother your head about it? A. No, sir.

Q. Did Reppenhagen ever say anything to you about his giving that money, or any portion of it, to anyone? A. He did not.

Q. But that he was to give it to the commissioner who was to appoint you was a fact impressed upon your mind by his conversation? A. That is so.

Q. No question about that? A. No, sir.

By Chairman Lexow:

Q. The fact that was impressed upon your mind was this, was it not, captain, that you knew from Rappenhagen that on that day Sergeant Weigand was going to be appointed, because he was going to pay \$12,000 for the appointment; through influence of Mr. Reppenhagen you succeeded in tying up that appointment, and by the addition of \$3,000, getting the appointment yourself? A. That is it.

Mr. Goff.—Now, captain, the committee desires to express its sympathy with you through me; its sympathy with you in the unfortunate position that you were first placed in; and, further, in the unfortunate position in which your emotions and sentiments placed you yesterday, and in view of everything, in view of your splendid service to your country, and your good service on the police department, it is the unanimous expression of the committee that the public interests would not be served were you to be disturbed in your present position as police captain.

John W. Reppenhagen, recalled, and testified as follows:

By Mr. Goff:

Q. Has any change of heart come over you since last night? A. Not that I know of.

Q. Commissioner Voorhis says that you are a swindler; is that true? A. No, sir.

Q. That is not true? A. No, sir.)

Q. Then is Commissioner Voorhis a liar? A. I never had any conversation with Mr. Voorhis.

Q. I am not asking you that; is Commissioner Voorhis a liar? A. I don't think so.

Q. Has he told the truth when he says that you are a swindler?
A. No.

Q. Then he must have lied? A. I don't see why he should call me a swindler.

Q. I am not asking you to argue; if he did not state the truth when he said you were a swindler, he must have lied, must he not? A. I won't answer.

Q. Why? A. I can not answer that.

Q. Can not answer? A. No, sir.

Q. You said you wouldn't; why will you not answer? A. I decline to answer.

Q. On what ground? A. It might incriminate me.

Q. Incriminate you for what? A. Because I never had any conversation with Mr. Voorhis.

Q. If you never had any conversation with him it could not incriminate you? A. So I could not call him a liar.

Q. You say you won't answer; on what ground will you not answer? A. Because I had no conversation with him.

Q. Now, answer my question; you say, "I will not answer;" on what ground do you decline to answer? A. I can not answer.

Q. But you must answer, it is a question that any man possessed of ordinary intelligence, any man who is not an idiot can answer, and the law says you must answer it? A. Well, I can not.

Q. We will see if you can not; is it because you won't? A. I can not answer it.

Q. Is it because you won't answer it? A. I can not answer it.

Q. Is your tongue cloven to the roof of your mouth? A. No.

Q. Are you afraid to answer? A. No.

Q. Then why don't you answer? A. I can not answer it.

Q. Give us a reason why you can't answer it? A. Let me hear your question again?

Q. I will put it to you again without wasting the time of the stenographer; Commissioner Voorhis says that you are a swindler; you said that he did not tell the truth; I say now if he did not tell the truth he must have lied; must he not? A. Yes, sir.

Q. Now, you understand it then that Commissioner Voorhis lied? A. Yes, sir.

Q. Now, Mr. Reppenhagen, no matter what I may have said to you heretofore in the examination, and though I may have used

harsh words to you, it was in the performance of a duty, and this committee nor counsel have anything whatever against you, but we do expect you to tell the truth, there is the opportunity for you here to tell the truth.

Senator O'Connor.— Does he understand that if he tells the truth he will be protected, and if he does not he will be liable to prosecution? It is a question whether he wants to take the risk of committing perjury and be sent to State prison to shield somebody else.

Mr. Goff.— On that question we are very fortunate in having the district attorney here, who can draw up an indictment second to no man in the United States in the legal profession. I have been associated with him for years and know his capacity, and am pleased to have him here so that we can get at the root of this thing.

Chairman Lexow.— You understand, witness, if you have taken or given a bribe and you confess it here, state the facts and circumstances with it, nobody can prosecute you for it, no indictment can be brought against you for it. If on the other hand you tell a lie, you swear to something that is false, you can be prosecuted for perjury, and that means 15 years in State prison.

By Mr. Goff:

Q. Now, Mr. Reppenhagen, do you wish to make any corrections in your testimony of yesterday? A. I don't know of any.

Q. I ask you do you wish to make any correction in your testimony as to what you did with that \$15,000? A. Yes.

Q. Now, make the correction and you will find kindness and consideration here for you?

Chairman Lexow.— That is all we want, the truth. You are a witness for the State and you are on State's service. If you serve the State you will be protected, if you do not serve the State you will not be protected. Now, Mr. Reppenhagen, tell us what you did with that \$15,000.

A. I gave \$10,000 of that to John Martin.

Q. John Martin — that is the ex-Assemblyman? A. Yes, sir.

Q. Now, for what purpose did you give \$10,000 of it to John Martin? A. To stop Weigand being made a captain, in December.

Q. What did you do with the remaining \$5,000? A. I kept it.

Q. You kept the remaining \$5,000 yourself? A. Yes, sir.

Q. Did any person outside of John Martin receive \$1 of that money? A. Not through me; no, sir.

Q. Or indirectly through you? A. No, sir.

Q. That money was not paid to Martin until after Captain Creeden's appointment? A. Yes, sir.

Q. That is so? A. Yes, sir.

Q. You have given me your bank-book here? A. Yes, sir.

Q. Now, when you speak about Wiegman; Wiegman was to have pay for his appointment? A. I don't know that.

Q. But Captain Creeden has sworn that you said to him that Wiegman was to put up \$12,000, and unless he put up \$3,000 more Wiegman would get the appointment? A. I don't remember that.

Q. Do you think Captain Creeden, under all the circumstances, has sworn to a falsehood? A. No; but I don't remember the conversation at all.

Q. Now, let us see; you went to Captain Creeden first in this matter? A. No, sir.

Q. Tell us how the first thing came about? A. He sent an officer to me in my bed one morning in December; it was the day when Wiegman and Captain Creeden was to be appointed; I was in bed yet, and the officer said Captain Creeden wanted to see me, and I got out of my bed; it was about 11 o'clock at the time; when I went to the station-house, he told me about it, and then I went over to see if I could stop the appointment.

Q. When you went over to headquarters, whom did you see? A. John Martin.

Q. Was he a police official at the time? A. No, sir.

Q. When you went to headquarters, did you expect to see John Martin? A. Yes, sir.

Q. Did you talk to John Martin about it? A. Yes, sir.

Q. How did you come to talk with John Martin about such an important thing as stopping the appointment of one man in order to get the appointment of another? A. Well, I was interested in Mr. Creeden, because I had known him a good many years, and I thought I would have Mr. Creeden appointed.

Q. Did you recognize that Mr. Martin had some power or influence in the matter? A. I thought so; yes, sir.

Q. Had you ever spoken to him before about such matters? A. No, sir.

Q. But you must have recognized that Mr. Martin had some peculiar power or influence in the matter, or you would not have spoken to him? A. He was chairman of the organization.

Q. Chairman of what organization? A. New York State Democracy.

Q. That was for the whole city or for the district? A. New York.

Q. The whole city? A. Yes, sir.

By Senator O'Connor:

Q. The organization is named as the New York Democracy?
A. Yes, sir.

Q. That was the same as the Voorhis Democracy?
Mr. Goff.—Yes, sir.

By Mr. Goff:

Q. Now, was there a Voorhis Club, do you remember, in connection with that organization? A. I don't remember.

Q. That organization had a branch in your Assembly district?
A. Yes, sir.

Q. And you were chairman of that organization in that Assembly district? A. Yes, sir.

Q. And that is how you were first spoken to? A. Yes, sir.

Q. So Captain Creeden has testified that it was by reason of you being chairman of that organization that he sent to you and spoke to you? A. Of that district—yes, sir.

Q. That is true? A. Yes, sir.

Q. Did Mr. Martin hold out at police headquarters, as a general thing? A. Not that I know of, but I met him there that day.

Q. But you went with the intention of seeing some one; did you not? A. I went with the intention of seeing him; yes, sir.

Q. If he were not attached to police headquarters, and you went there with the expectation of seeing him, how did you expect to meet him there except by appointment? A. I don't know; I couldn't say that.

Q. But Mr. Reppenhagen — A. I did not meet him there at police headquarters at that time; I met him on the corner.

Q. That is more surprising still? A. But I went to police headquarters first to look for him.

Q. Now, we want to have the whole truth in this matter, Mr. Reppenhagen; if you are disposed to give it to us, it will save you time and worry, and save me time and labor; I ask you, if when you went to police headquarters, that your purpose was to reach Commissioner Voorhis? A. Through Martin.

By Chairman Lexow:

Q. It was to reach him through Martin? A. Yes.

By Mr. Goff:

Q. And Martin, being chairman of this organization known as the New York Democracy, was recognized as the man closest to Commissioner Voorhis by the members of that organization; that is so? A. Yes, sir.

Q. In what shape did you give the \$11,000 to Martin? A. Cash money.

Q. Did you draw it out on a check to your own order? A. Yes, sir.

Q. How soon after you deposited in the Bowery Bank did you draw the check out to your own order? A. I think it was eight or 10 days; I drew out \$9,950.

Q. Will you explain now, why it was that that sum was fixed, \$9,950? A. I had given him \$50 before that.

Q. You had given him \$50 in cash? A. Yes.

Q. That is from the proceeds of your business, I suppose? A. Well, yes.

Q. That was on account? A. Yes.

Q. I mean you gave him \$50, and not drawing that particular \$50 out of this \$15,000 fund? A. No.

Q. What occasion was it that you gave the \$50 to Martin? A. It was of the evening, I think, before.

Q. He wanted the money, I suppose? A. Yes.

Q. Well, was that after the appointment was made or before the appointment was made? A. After the appointment was made.

Q. Then it would appear that the agreement was between yourself and Martin that he should get \$10,000 out of the \$15,000? A. There was no agreement at all about it.

Q. This is your deposit-book, Mr. Reppenhagen (handing witness book)? A. Yes, sir.

Q. I find here that there was deposited to your credit on January 18, 1892, \$15,000? A. Yes, sir.

Q. Did you add that \$100 of your own money? A. Yes, sir.

Q. I take it that \$100 was in cash? A. I couldn't tell you.

Q. But that was in addition to the \$15,000? A. Yes, sir.

Q. Now, this is your stub-book that you brought here this morning (handing witness book)? A. Yes, sir.

Q. I find no record on your stub of the supposed \$9,950, upon which you drew the cash out? A. No; I believe I left that blank; I drew it to the order of myself.

Q. You left that blank so that there would not be any trail left of the transaction? A. Never thought anything of the kind at that time; I guess you will find some other blank ones, too.

Q. I have failed to? A. I did that very often.

Q. Yes; there; you are right; but none upon that date; they all seem to be written out both before and after that date for a considerable period of time; and no doubt it was true, Mr. Repenhagen, that you did not wish to make any entry of this transaction? A. Well, the order was to myself.

Q. You did not even wish to have a record of that check for that amount?

By Chairman Lexow:

Q. You did not want to have it on your books? A. I did not think of it at the time, anything about it.

By Mr. Goff:

Q. Here is a check for January 20th, made to Paul Stoltbeck, cash \$200; now, the next check is blank, and the next check of which there is a record of is January 23d to Crossland & Co. for liquors, \$350; now, I find that your total here after drawing the check to Mr. Stoltbeck, your total drafts is \$2,383.96 — those figures are in your handwriting? A. Yes, sir.

Q. Now, I find that you make the next total, that is the blank stub, that your total makes \$12,433.96? A. Yes.

Q. Now, I find by computation that the difference between your total on January 20th, \$2,383.96, and your next total of drafts, \$12,443.96, at the blank check here is exactly \$10,050; now would that \$10,050 represent the check of which the blank

stub is here which you drew to your order? A. I drew out \$9,950.

Q. Nine thousand nine hundred and fifty dollars to your order?

A. Yes, sir; you will find it in that other book there.

Q. It only makes \$100 difference; I do find here on your pass-book a return voucher, the date not given of course, an item for \$9,950? A. Yes, sir.

Q. Is that the check? A. Yes, sir; for myself.

Q. You have not produced that check this morning? A. I can not find it, I haven't got it.

Q. You have said that you gave this \$10,000 to John Martin to prevent Wiegman's appointment; is it not a fact that you gave him this \$10,000 for the appointment of Captain Creeden? A. If he was appointed; yes, sir.

Q. But if he had been appointed before you gave the \$10,000; now, I say when you gave that \$10,000 to John Martin, did you not give it to him in consideration of Captain Creeden being appointed; having been appointed? A. Yes, sir.

Q. And you knew, Mr. Reppenhagen, that when Captain Creeden agreed to have the money raised either by himself or his friends in the sum of \$15,000 to secure his appointment, that the \$15,000 were to be used as a bribe to some person to procure that appointment as captain? A. I had no conversation with Captain Creeden.

By Chairman Lexow:

Q. You knew that it was going to be used for that purpose?

A. Yes, sir.

By Mr. Goff:

Q. And the person that had the power of attorney at that time was John R. Voorhis, commissioner of police, was it not?

A. Yes.

Q. Now, to whom was that \$15,000 to be paid? A. I was to receive it.

Q. I know that; but to whom was it to be paid in consideration of this appointment? A. I paid it to John Martin.

Q. I know; but when you received the money what was the understanding and intent on your part as to whom this money should go to? A. Well, that I don't know.

By Chairman Lexow:

Q. What did John Martin say to you that finally produced this fund of \$15,000; what did he say to you that actuated you in securing the deposit of that sum of money? A. For the appointment of Captain Creeden?

Q. What did he say he was going to use the money for? A. He didn't say.

Q. Did you not ask him what he proposed to do with that large sum of money? A. He said that it was worth that much money.

Q. To whom? A. I don't know.

Q. Did you not ask? A. I did not.

Q. Did you understand where it was going? A. No, sir.

Q. Did you know that John Martin had any conversation with Police Commissioner Voorhis at that time? A. Not to my knowledge; no, sir.

Q. How could Wiegman's appointment be stopped; did you not inquire as to that? A. No, sir.

Q. You knew that Wiegman was going to be appointed that day? A. So I was told by Creeden.

Q. And you saw John Martin about it? A. Yes, sir.

Q. And you asked John Martin to stop the appointment? A. Yes, sir.

Q. Did you not understand that John Martin was going to Police Commissioner Voorhis to stop it? A. That I did not know; of course, I naturally thought so.

Q. Did he not say he was going? A. I naturally thought so.

Q. He said so to you, did he not? A. No.

Q. Then you left him — where did he go? A. To police headquarters.

Q. He said he was going to police headquarters? A. Yes.

Q. He did go there? A. Yes.

Q. Did he not say he was going there to see Police Commissioner Voorhis? A. He did not; he said he was going to headquarters.

Q. Did you tell John Martin that you would give him \$10,000? A. I said it was worth \$15,000.

Q. To John Martin? A. Yes, sir.

Q. Did John Martin know that you were going to keep \$5,000? A. He told me to keep it.

By Mr. Goff:

Q. Now, Mr. Reppenhagen, I suppose a recess would be agreeable to us all just now; before we take a recess, I will ask you if you were not visited by some people last night at your place in reference to this case? A. No, sir.

Q. Have you spoken with any person? A. No, sir; only to Mr. Schnell, the man that was on the stand; he met me after I got home; but I went alone from here, but he met me at my place.

Mr. Goff.—We will ask for recess now, and we ask you to instruct this witness that he, being on the stand and being under examination, we will, in order to protect this witness from being annoyed or subjected to annoyance from any person, request an officer of the committee, the deputy sergeant-at-arms, to accompany Mr. Reppenhagen to lunch.

Chairman Lexow.—The sergeant-at-arms will depute someone to act as sergeant-at-arms for the purpose of accompanying the witness to lunch. In the meantime, do not talk with anybody about this case. All persons subpoenaed to-day will attend here again at 2:30 o'clock; the committee will stand adjourned until that time.

AFTERNOON SESSION.

December 14, 1894.

Present.—Senators Clarence Lexow, Cuthbert W. Pound, Edmund O'Connor, Daniel Bradley and George W. Robertson; counsel as before.

John W. Reppenhagen, recalled, testified as follows:

By Mr. Goff:

Q. Do you know an officer by the name of Mooney? A. Yes, sir.

Q. Did Mooney have any conversation with you in reference to this matter? A. Yes, sir.

Q. At what stage? A. The first time that I knew anything about Captain Creeden going to be made captain.

Q. It was from Officer Mooney? A. Yes, sir.

Q. Was Officer Mooney attached to that precinct? A. He was at that time.

Q. What precinct is he attached to now? A. I could not tell you; I have not seen him for some time.

Q. What did Mooney say to you? A. He said that Captain Creeden wanted to be made captain, and he would give \$15,000 to be made captain.

Q. That he would give \$15,000? A. Yes, sir.

Q. It appears that \$12,000 was the sum first contributed? A. That I do not know; \$15,000 was the sum mentioned to me.

Q. But Captain Creeden has sworn that the sum mentioned by you at the first time was \$12,000? A. I never mentioned any sum to him.

Q. Captain Creeden has sworn that you said to him that Sergeant Wiegman, who is now acting captain in the Fourteenth precinct, had \$12,000 of it? A. I don't remember their saying that to me.

Q. Are you prepared to swear that Captain Creeden was wrong when he said that? A. If he said it to me personally; yes; he is wrong.

Q. Now, I wish you to reflect upon every answer you give for your own interest; Captain Creeden has testified that the first sum mentioned to him by you was the sum of \$12,000; are you prepared to swear whether or no Captain Creeden was right or wrong? A. I am willing to swear I made no offer to him at all; the offer came to me first.

Q. I am not saying you made an offer to him, but mentioned the sum to him — \$12,000? A. That was the sum that was said by Mooney would be given if he would be made captain.

Q. Twelve thousand dollars? A. Fifteen thousand dollars.

Q. It was only \$12,000 at the commencement; that was all the money that was subscribed or to be subscribed? A. I do not know.

By Chairman Lexow:

Q. Don't you know that Wiegman had promised to give \$12,000? A. Not to my personal knowledge.

By Mr. Goff:

Q. Did you say anything about Wiegman having promised to give any money? A. No, sir; I did not.

Q. Did you mention Wiegman's name? A. Captain Creeden did.

Q. How did he mention it? A. He said Wiegman was to be

appointed that day that Mooney came to me, and that if it could be stopped he would raise \$15,000 to get the appointment.

Q. Was there not something about an extra \$3,000 being raised? A. Not to my knowledge.

Q. Did you say that you would stop the appointment of Wiegman? A. I said I would try to; I did not say I could stop it.

Q. By what means or agencies did you expect to prevent the appointment of Sergeant Wiegman? A. To see Mr. Martin.

Q. You recognized that Mr. Martin, from his position as chairman of the New York Democracy of this city, had sufficient influence with the commissioner of police to prevent Mr. Wiegman's appointment? A. Naturally I thought so; yes, sir.

Q. And wasn't it a thing of common understanding and knowledge among the district leaders of the New York Democracy at that time, that Mr. Martin was the dispenser of police patronage in Mr. Voorhis' name? A. Yes, sir; in a general way.

Q. And that particular relation that he held to Commissioner Voorhis extended over the whole city, so far as the organization was concerned? A. Yes, sir.

Q. And that the leaders of that organization in the various Assembly districts, if they wanted anything they went to Mr. Martin to obtain that thing? A. Generally; yes, sir.

Q. In fact that was one of the objects for which the organization was started; was it not? A. Well, I don't know.

Q. One of the objects, mind? A. I guess the —

Q. Yes. A. The strength of it.

Q. That was the strength of the organization; yes; so, that now we have the truth, that the strength of the organization known as the New York Democracy was the patronage that might flow to it, from Commissioner Voorhis as commissioner of police? A. Yes, sir.

By Chairman Lexow:

Q. Now, are you a man of such influence in your district that a person desiring an appointment as captain of police would naturally go to you to secure the influence; are you? A. He came to me.

Q. What? A. He came to me.

Q. Can not you remember as to whether or not you approached him in the first instance? A. No, sir; I do not.

Q. Told him that you could secure the change of Wiegans appointment to his appointment, if he put up the necessary money? A. No, sir.

Q. You swear that did not occur? A. No, sir; Officer Mooney came to me.

Q. Did you know Mooney before? A. Yes, sir.

Q. Was he a friend of yours? A. Oh, he has been in the precinct for several years.

Q. Did he belong to the same organization? A. No, sir; he did not.

Q. Has he visited your place? A. He came in there now and then.

Q. He was a friend of yours; was he? A. Yes, sir.

Q. Then, as far as you know, Mooney told Captain Creeden that he could get this thing through you; so far as you know; you don't know he did not? A. I don't know whether he did or not.

Q. But your relations with Mooney were such that it might be quite natural for Mooney to have done that? A. No; he was no particular friend of mine.

Q. He was no particular friend of yours? A. No, sir.

Q. But you say he visited your place? A. Yes.

By Mr. Goff:

Q. On this question of patronage, for instance, how many policemen did you appoint through the interference or good will of Commissioner Voorhis? A. Two.

Q. Wasn't it three? A. No, sir.

Q. Just think? A. No, sir.

Q. Give me the names of those two men whom you have appointed? A. Frank Buesser.

Q. Yes? A. And Jacob — I can not remember his name now; you cut me short, and I know him since I was a boy; there is three brothers of them at 23 Orchard street.

Q. Wasn't there a third? A. No, sir.

Q. How much did each of those men pay for their appointments? A. Nothing.

Q. So far as you know? A. Nothing.

Q. Was that a matter of political patronage? A. Yes, sir.

Q. Did you see Commissioner Voorhis in reference to those appointments? A. Yes, sir; them two; yes, sir.

Q. Had you anything to do with the appointment of any other person on the police force, except these two persons whom you have named? A. No, sir.

Q. Did you have anything to do with the promotion of any person on the police force except Captain Creeden? A. That was one time that I had specially detailed a man named McCarty.

Q. You had specially detailed? A. Yes, sir.

Q. Where? A. Down to the baths at the foot of Ann street.

Q. Special duty? A. Yes.

Q. You saw Commissioner Voorhis about him? A. Yes, sir.

Q. Did you see Mr. Martin about the appointment of either of the two men that you have named or the special detailed Officer McCarty? A. No, sir.

Q. Then I would like to know how it was that you selected Mr. Martin with regard to Captain Creeden's promotion, when you went to Commissioner Voorhis directly yourself with regard to the appointment of those two men? A. Well, I asked Commissioner Voorhis to advance a roundsman for me several times, but he never done it for me, so I thought that if Mr. Martin could get the patronage and I went to Martin to get it.

Q. You thought, by Martin getting the patronage of Commissioner Voorhis, that he was the proper person to apply to? A. Yes, sir.

Q. You mean for us to infer that the person whom you sought to have appointed as roundsman and who was not appointed, failed to get that appointment, because no money had been put up for him? A. No; I didn't know anything about it.

Q. To what did you attribute the failure to procure his advancement? A. Mr. Voorhis didn't appoint him for me; that is all; I suppose there was others that had more influence with him than I had.

Q. Precisely; but your failure to have this roundsman appointed — A. I didn't have him appointed.

Q. To have this roundsman promoted? A. I didn't have him promoted.

Q. Your failure to have this man promoted to roundsman was a pretty strong suggestion to you that it required a little money to grease the wheels of the official machinery, was it not? A. Well —

Q. Isn't that so? A. In that way.

Q. And like an experienced man in politics as you were, you recognized that matters would have to be done in a different way than by direct application to the commissioner? A. Yes, sir.

Q. So that when the subject of Captain Creeden's promotion came to you, you recognized the necessity of going to John Martin, the dispenser of Commissioner Voorhis' patronage? A. Yes, sir.

Q. And you know that going to him meant the naming of a price? A. Yes, sir.

Q. Now, was it not also your understanding at that time that the money to be paid to Mr. Martin was either in whole or in part to go to Mr. Voorhis, the commissioner? A. I did not know anything about that.

Q. I am not asking you what you knew; have you any knowledge; I am asking of your belief and understanding of the transaction at that time? A. At that time I believed it; yes, sir.

Q. Yes; that was your belief and understanding; from anything that occurred between, or anything that was said to you at any time, were you led to compute the amount of the commissioner's share of the money that was to go to Mr. Martin? A. No, sir.

Q. Did you ever hear it suggested? A. Never heard it suggested.

Q. Any word to Mr. Martin about it? A. No, sir.

Q. No word from him to you? A. No, sir.

Q. Well, in any of these transactions when a man gets money under those circumstances he usually says to the party who gives the money that of course he don't have the whole of it, he has to divide with other people? A. He didn't say anything of that kind.

Q. Anything that would lead you to understand the amount that was to go to Commissioner Voorhis? A. No, sir.

Q. It was well understood by you, as a man of affairs, and a man of some political experience in this city, that police commissioners who had the appointment of these captains, made money by the appointments? A. The general inference was that way.

Q. The general inference from rumor and common knowledge? A. Yes, sir.

Q. And when the commissioners divided up the appointments among themselves, that the commissioner making an appointment generally derived a financial profit from that appointment? A. By inference I would believe so, but otherwise not.

By Chairman Lexow:

Q. Was that the usual talk among people of your political society or association; did you talk among yourselves? A. Yes; generally.

Q. That was the understanding? A. Yes.

Q. And you were district leader, were you not, in that district? A. Yes, sir.

By Mr. Goff:

Q. There were 24 district leaders then? A. Yes.

Q. Twenty-four Assembly districts, and you were one of the committee of 24? A. Yes, sir.

Q. Of that political organization, and Mr. Voorhis was its — A. Executive chairman.

Q. And who was the general chairman — Mr. Martin? A. John Martin; he was chairman of the county committee.

Q. And Mr. Voorhis was chairman of the executive committee of 24? A. Yes, sir.

Q. What business was Mr. Martin in at that time? A. He was journal clerk of the Senate; he was appointed, I believe, that week.

Mr. Goff.— We have sent a subpoena to Mr. Martin; he has been served, gentlemen, and I am very, very sorry to get the message in return that he is paralyzed and has been paralyzed since the last election.

Senator Bradley.— Which do you mean, physically or politically?

Mr. Goff.— I can not add any further explanation excepting the message I received. We sent a cab up for him hoping his paralysis would not interfere with his presence before this committee.

Senator O'Connor.— Mr. Goff, when Mr. Martin was deputy clerk it was when the Democrats controlled the Senate two years ago.

Mr. Goff.— Of course your memory is better than mine, being a member; he was clerk of the Senate.

Senator O'Connor.—A deputy clerk.

Chairman Lexow.—This was in the winter or spring of 1892?

Mr. Goff.—In January, 1892.

By Mr. Goff:

Q. Do you know of any other official or semi-official transactions in relation to appointments on the police force in which Mr. Martin figured? A. No, sir.

Q. This was the only one you had? A. Yes, sir.

Q. In direct connection with him? A. Yes, sir.

Q. Wasn't it a fact, and understood by the leaders of that organization that the police patronage should be divided up among them as nearly as possible? A. Yes, sir.

Q. And you considered that your district was entitled to a captaincy? A. Well, I did not expect that; I didn't exactly expect that.

Q. You expected it if the captaincy was paid for? A. I was a friend of Mr. Martin.

Q. You considered you were simply taking your political share of the patronage according to your district by requesting this appointment to be made as captain; did you not? A. I did not; no, sir.

Q. What? A. I did not; I did not in my personal case.

Q. You considered that it was to be made on a cash basis and not as a political favor? A. Yes, sir.

Q. Now, when did you first receive information that the money had been put up? A. After the money was put in the bank.

Q. Who gave you the information? A. Mr. Howard.

Q. Mr. Howard? A. Yes, sir.

Q. The gentleman who was on the stand yesterday? A. Yes, sir.

Q. Who suggested that the money be placed in the hands of Mr. Snell? A. That was Mr. Creeden came to me and said who I would suggest.

Q. What; I did not hear you? A. Mr. Creeden asked me who I would suggest, and I said, "I would suggest Mr. Snell, who is an honorable man;" and he agreed to it.

Q. Was Mr. Patterson's name mentioned? A. Not to me; no, sir.

Q. Did you see Mr. Snell in the matter? A. Yes, sir.

Q. After Creeden and you had the conversation? A. Yes, sir.

Q. What did you say to Mr. Snell? A. I said to him that the money was to be put up in his hands.

Q. For the purpose of securing Captain Creeden's appointment? A. If Creeden was made captain, he should turn over the money to me.

Q. To you? A. Yes, sir.

Q. Upon Mr. O'Rourke's order? A. That I don't know.

Q. There was no provision of that kind? A. Not to me; no.

Q. How about this matter of the arrangement and understanding that Captain Creeden was not only to be made captain, but to be appointed to the command of the Eleventh precinct; that was part of the understanding; was it not? A. Not between me and Creeden.

Q. Did you ever hear anything about that? A. I heard something afterward; after he was appointed.

Q. To use a common phrase, there was kicking then after he was appointed? A. After he was appointed; yes, sir; because he would not —

Q. And the kicking was indulged in by Creeden's friends? A. Yes, sir.

Q. And it was charged that same day to broken faith? A. Yes, sir.

Q. And you refused to pay the money over on that ground? A. Yes, sir.

Q. Well, now, who did you go and see while that condition of affairs lasted? A. Mr. Howard.

Q. And what did you say to Mr. Howard? A. I thought that it was not fair; what they were doing; not turning over the money.

Q. You thought it was not fair? A. Yes.

Q. For them to refuse turning over the money? A. Yes, sir.

Q. Did Mr. Howard give you the reason why they refused? A. He gave me some reasons; yes, sir.

Q. What were the reasons? A. On account of his not being placed in the precinct.

Q. On account of Captain Creeden not being placed in command of that precinct? A. Yes, sir.

Q. What did you say? A. I told him that it was not right I should be placed in that position; that I offered the money faithfully to Mr. Martin, and I couldn't get it and it placed me in a very bad position.

Q. Before you saw Mr. Howard, had Mr. Martin visited you and made a demand upon you for the money? A. Yes, sir.

Q. And as soon as you got information that the money was put up you immediately informed Mr. Creeden the money was up? A. Yes, sir.

Q. That was before the appointment? A. No — oh, yes; I did that.

Q. Yes; before the appointment; did you tell me who it was that informed you that the money was up in Mr. Snell's hands? A. Mr. Howard, I said.

Q. You relied on what Mr. Howard said? A. No, sir; he showed me Snell's bank book.

Q. He showed you Snell's bank book? A. Yes, sir.

Q. Showing a deposit in the Germania Bank? A. Yes, sir.

Q. As soon as you saw Mr. Snell's bank book you went immediately to John Martin, didn't you, and told him the money was all right? A. Yes, sir.

Q. Didn't John Martin know Snell? A. Yes, sir.

Q. Was there any question raised between Martin and yourself as to Snell's responsibility and good faith? A. No.

Q. You were satisfied of that? A. Yes, sir.

Q. Can you tell us how many days before Captain Creeden was appointed that you went to John Martin and told him that Snell had the money in the bank? A. I guess I told him the next day.

Q. The next day after you heard it? A. Yes, sir.

By Chairman Lexow:

Q. Was any appointment made until after you had satisfied yourself that the money was there?

Mr. Goff.— He has so testified.

Senator O'Connor.— That is what I understood him —

By Chairman Lexow:

Q. You were first satisfied that the money was there? A. Yes, sir.

Q. Before the appointment of Captain Creeden was made? A. Yes, sir; that is what I stated.

By Mr. Goff:

Q. It appears from Mr. Snell's bank book that a deposit of \$15,000 was made on January 4, 1892; the appointment of Cap-

tain Creeden was made according to his own testimony and the official records, on January 12, 1892, that is eight days afterward; now, your recollection is that you went to see Mr. Martin the next day; that would be on the 5th of January? A. Yes, sir.

Q. And you told Martin that you had seen Snell's bank book showing a deposit of \$15,000? A. Yes, sir.

Q. And what did Martin say? A. He said he would see what he could do about it.

Q. Before we reach that, you remember talking to Martin at the time that the appointments were to be made, before this money was put up; all the commissioners were to make appointments? A. I meant that day when Wiegand was going to be appointed.

Q. When Wiegand was to be appointed? A. Was to be appointed; yes, sir.

Q. Did you see Martin in reference to that? A. I did.

Q. And what did you say to Martin? A. It was worth \$15,000 not to have Wiegand appointed, but Martin —

Q. Wiegand was on the boards, as it were, to be appointed? A. I understood so.

Q. And he was to be Commissioner Voorhis' appointee? A. Yes, sir.

Q. Do you remember how long that was before the 4th of January when the money was deposited in the Germania Bank? A. I could not tell you that; but it was the day when Captain Devery was appointed; Captain Devery was appointed that day.

Q. Now, I find Devery was appointed on the 30th of December? A. What day?

Q. The 30th of December, 1891? A. The 30th.

Q. So that was the day Wiegand was to be appointed? A. Yes, sir.

By Chairman Lexow:

Q. And the money was deposited on the 29th? A. No, sir; January the 4th.

Q. The collection was made on the 29th, wasn't it?

Mr. Goff.—Oh, yes; the collection was made, but the money was not deposited in the bank until the 4th of January.

Chairman Lexow.—But he got it on the 29th; he got the \$15,000 altogether on the 29th?

Mr. Goff.—On the 29th of December; I think so.

By Mr. Goff:

Q. Now, you saw Martin then either on the 30th of December, the day that Captain Devery was appointed, or before the 30th of December, either on or before that day? A. I did not; the day that Captain Devery was appointed and Wiegand was appointed; that is the day Mooney came to me in my nouse.

Q. That was before the appointments were made that he went to your house? A. In the forenoon; yes, sir.

Q. As soon as Mooney went to your house he told you that Wiegand was to be appointed by Commissioner Voorhis? A. Yes, sir.

Q. And that Creeden would put up \$15,000 to get the appointment? A. Yes, sir.

Q. Then you immediately went to Martin? A. No; I went to see Creeden first.

Q. Well, after you saw Creeden? A. Yes, sir.

Q. You got Creeden's word that he had \$15,000 to put up? A. He said he had; yes, sir.

Q. Then you went to Martin and you met Martin, you say, on the corner? A. Yes, sir; Houston and Mulberry.

Q. And you told Martin that Creeden was willing to put up \$15,000 to get the appointment instead of Sergeant Wiegand? A. Yes, sir.

Q. Is that it? A. Yes, sir.

Q. Did you ask Martin to stop the appointment of Wiegand that day? A. I did.

Q. What did you say to him, as nearly as you can recollect? A. I told him there was \$15,000 for him if he could get Captain Creeden appointed.

Q. Wiegand's name was mentioned? A. Yes, sir.

Q. And did you suggest to him that it would be a good thing to stop Wiegand's appointment in order to get the \$15,000 that Creeden was willing to put up? A. Yes, sir.

Q. What did Martin say? A. He said he would see what he could do.

Q. Did you see him again on that day—December 30th? A. I don't remember.

Q. Don't you remember that Mr. Creeden left you and went into the commissioner's room and that you waited until he

came out of the commissioner's room? A. No, sir; I left him at the corner of Houston and Bowery.

Q. Didn't you accompany him to headquarters? A. I did not.

Q. Didn't you go back to headquarters that day? A. No.

Q. Not that afternoon? A. No.

Q. Didn't you tell Martin the meeting of the commissioners was to be held about noon that day, or Martin tell you, one or the other? A. Martin told me about noon — 1 o'clock.

Q. Martin told you the meeting of the commissioners was to be held about noon? A. Yes.

Q. Didn't you make an appointment with Martin to find out from him the action of the commissioners? A. I don't remember that.

Q. Now, when you went to police headquarters that morning, did you inquire for John Martin? A. I did; yes, sir.

Q. Of whom did you inquire? A. Augustus Sherman, Voorhis' clerk.

Q. What did Voorhis tell you? A. He had been there, but he wasn't there then.

Q. Did you leave any word for Martin? A. No.

Q. Well, it was very important that you should see Martin that day? A. Yes, sir.

Q. You recognized that? A. Yes.

Q. And being important, did you not make some inquiries, or enter into some arrangements to see Martin? A. Well, I asked him where I probably could find him.

Q. What did he tell you? A. Probably I could find him on the corner.

Q. In the liquor store? A. Yes, sir.

Q. That is on the northwest corner? A. Yes, sir; Houston and Mulberry.

Q. What is the name of the proprietor; something like Sohmer or Summer? A. I think it is Sontag at present; at that time it was a different name.

Q. Isn't that the name — Sontag? A. It was a different name then; but that is the name now.

Q. Did you go down to this saloon after leaving headquarters? A. Yes, sir.

Q. And you met Mr. Martin there? A. I did.

Q. That was Mr. Martin's headquarters for the time being, wasn't it? A. Well, I found him there; I couldn't say.

Q. You were directed there by Voorhis' clerk? A. Yes, sir.

Q. Now, after you left Martin that morning at the saloon, did you not make an arrangement to meet Martin that evening to see him some place, in order to learn from him the result of his efforts with the police commissioners? A. I don't remember now that I made an arrangement with him; but I seen him some way; I don't remember where.

Q. You did see him that evening? A. Well, but I don't remember where.

Q. Well, we will say for the present, we will pass over the exact location; you remember the conversation you had with him? A. No; I do not.

Q. Didn't he tell you that all the captains had been appointed except Commissioner Voorhis' appointee? A. Except Commissioner Voorhis'.

Q. And that had been laid over? A. Yes, sir.

Q. And laid over by his efforts with Commissioner Voorhis? A. It must have been; yes, sir.

Q. Didn't he tell you so? A. Yes, sir.

Q. That he got the commissioner to lay that appointment over? A. Yes, sir.

Q. Did you then say to Martin how soon you could get the \$15,000? A. I could not tell him that; of course, I did not know.

Q. The only thing you could tell him was that Captain Creeden would put up \$15,000? A. Yes, sir.

Q. Were there any other arrangements entered into between yourself and Martin as to how the money should be put up, and into whose hands the moneys should go? A. No arrangements: no, sir.

Q. Wasn't there an understanding arrived at? A. As long as it went into responsible hands.

Q. That you were satisfied with? A. Yes, sir.

Q. And that you could get the money from him? A. Yes, sir.

Q. And Mr. Martin expressed himself satisfied with any man you would select to have the money go into his hands? A. Yes, sir.

Q. And that having been arrived at, what was the arrangement between you and Martin as to the proportion of that money that should come to him? A. None at all.

Q. You didn't understand at that time you were to have any of that money, did you? A. No, sir.

Q. You were simply acting in the capacity of a friendly go-between, as it was? A. I was acting in favor of Creeden.

Q. That is what I mean ? A. Yes.

Q. I am using the word "go-between" now, without meaning any offensive term to you, but what that phrase is usually called in such transactions; you were acting as a friend to Creeden? A. That is what my intention was.

Q. And you then understood the \$15,000 was to go to John Martin? A. Yes, sir.

Q. And he understood that from you? A. Yes, sir.

Q. And that understanding was arrived at by the conversation which took place between you? A. Yes, sir.

Q. You did not ask anything for your services? A. No, sir.

Q. You did not ask commission on the \$15,000? A. No, sir.

Q. Was there anything said at that time, as to what share of that \$15,000 Martin was to keep for himself? A. No, sir.

Q. Do you remember it was said by Martin that, of course, he would get but a small proportion of that \$15,000? A. He did not make any such remark to me.

Q. In substance, didn't he say so? A. Well, he did; yes, sir.

Q. That is in substance; he saying, in substance, he was to get but a small proportion of that \$15,000; what figure did he name? A. He did not name any figure.

Q. Wasn't there anything? A. He did not name any figure.

Q. Didn't he say "You know where the greater proportion of that money is to go to? A. No, sir.

Q. If Mr. Martin would testify he said that to you, will he testify to what is true or untrue? A. He will be untrue.

Q. Untrue? A. Yes, sir.

Q. If Mr. Martin were to say here, when he comes upon the stand, as he will go upon the stand, that he said to you that he was not going to get anything worth while out of this money; anything out of this \$15,000; would he say then what is true or untrue? A. He would say what was untrue, because there was nothing mentioned.

Q. I did not mean anything; I did not mention any sum in my question; you have stated that Mr. Martin said to you that he was only going to get a small portion out of the sum? A. Yes, sir.

Q. When he said that thing to you, didn't he say to you, "You know where the biggest portion of it is going to go; you know

I have got to give up the biggest portion of it?" A. He did not say that.

Q. Will you swear he did not? A. I will.

Q. Positively? A. Yes, sir.

Q. Didn't you ask him where the greater portion of the money was to go? A. I did not ask.

Q. You understood where that was to go? A. Well, in a way, certainly; in the natural way.

Q. You understood that was to go to the commissioner? A. But there was nothing said about that.

Q. That was your idea about it? A. Yes, sir.

By Senator Bradley:

Q. Did you really believe so? A. Yes, sir.

By Mr. Goff:

Q. And your understanding and your belief were produced and were the result of a conversation that took place between you and Martin? A. That was not said that it should go to the commissioner.

Q. Listen to my question again (question read by the stenographer); your understanding and your belief were produced, and were the result of a conversation that took place between yourself and Martin?

By Chairman Lexow:

Q. Your belief was based on that conversation? A. Not on the conversation, sir; but I naturally would believe myself, that it would get there.

By Mr. Goff:

Q. Yes; I know; but that belief was produced in your mind from all the surrounding circumstances, and from the conversation upon the general subject that took place between yourself and Martin, wasn't it? A. Yes, sir.

Q. Well, now we have it that money was deposited on the 4th of January; did you see Mr. Martin between the 4th of January and the date of Creeden's appointment? A. Yes, sir.

Q. Where did you see him? A. I seen him in my place; and I seen him in Albany.

Q. In Albany? A. Yes, sir.

Q. He called at your own place, called at your store? A. Yes, sir.

Q. Do you remember how near New Year's it was when he called to your store? A. I think it was the last time, or the time he was there was the day he got a telegram from Albany that he was appointed as a deputy journal clerk, or whatever it was.

Q. As deputy clerk? A. And he came and told me of it.

Q. And he went down to your store and told you of his good fortune in receiving this appointment; did he not speak about the Creeden appointment? A. He wasn't appointed at that time.

Q. What? A. He was not appointed at that time.

Q. But when he was appointed, didn't he talk about it? A. The money was not up at that time.

Q. The money was not up? A. No.

Q. I am speaking after the money was put up on January 4th; now, after January 4th, did you see Martin and tell him the money was up? A. Yes, sir.

Q. You told him; you have testified you saw Snell's bank-book? A. Yes, sir.

Q. And the deposit of \$15,000? A. Yes, sir.

Q. And you say Martin said he would do what he could? A. Yes.

Q. Isn't it a fact that Martin told you that Creeden would get the appointment at the next meeting of the board when appointments were to be made? A. He did not.

Q. And that it would be all right? A. Yes; he thought so.

Q. Did he tell you that he had seen the commissioner? A. Yes.

Q. And he told you also that as long as he told the commissioner that everything was all right, that the appointment was sure to be made; isn't that so? A. That is what he told me.

Q. And do you remember asking Martin if he had told the commissioner how much was put up? A. No, sir.

Q. Be careful and refresh your memory; I don't wish to embroil it or to entangle you in any contradiction; we got through with that yesterday? A. Yes, sir.

Q. We had enough of that yesterday? A. What is the question?

Q. I only want to give you an opportunity to reflect and be careful? A. What is the question?

Q. I believe you are telling the truth since we have begun; read the question, Mr. How; (question read by stenographer) do you remember asking Martin if he had told the commissioners how much was put up? A. No, sir; I did not ask him that question.

Q. Do you remember him telling you that he had told the commissioner how much was put up? A. No, sir; he did not tell me.

Q. Will you swear that at that conversation when you told him the money was up, and you saw Snell's deposit-book, that there was not a conversation between you and Martin; it was said by either one of you that Commissioner Voorhis knew that \$15,000 had been put up? A. No, sir; nothing of the kind was said.

Q. In substance or in fact? A. Nothing; no, sir.

Q. Or Commissioner Voorhis knew that Martin had put up more money than Wiegand was willing to put up? A. No, sir.

Q. Was Wiegand's name mentioned? A. Not at that time; no, sir.

Q. I am talking about this conversation? A. Yes.

Q. Do you mean to tell us that, under the peculiar circumstances surrounding this transaction, that you and Martin did not talk with each other about Voorhis' knowledge of the fact that money had been put up to secure Creeden's appointment? A. No, sir.

Q. Not a word? A. No, sir.

Q. How did it come to pass that Martin said to you that only a small portion of the money would go to him and the greater proportion of it would go some place else, and you understood that that some place else was the commissioner? A. Yes.

Q. That was talked about, wasn't it? A. Yes, sir.

Q. Well, that being an understood thing between the two of you, and the subject which was talked about by you both then, I want to know what was said by either you or Martin, and if there was something said at that conversation? A. No; there was not, your honor; I told him that the \$15,000 was forthcoming; and he said he would use his influence for the appointment; but he did not use the commissioner's name about it; of course, I knew where it was going; no names were mentioned.

Q. It was an understood thing that no name was to be mentioned? A. There was nothing understood with us of that kind.

Q. You engaged in that transaction with Mr. Martin, a man who was the dispenser of police patronage, representing Commissioner Voorhis, and you understood each other perfectly?

By Chairman Lexow:

Q. You followed the usual custom? A. Yes, sir.

By Mr. Goff:

Q. And that was, as you say, not mention any name, is that so? A. Yes, sir.

Q. And hence it was that Commissioner Voorhis' name was not mentioned as Voorhis? A. No, sir.

Q. But it was well understood between you he was meant by the appointing power? A. Yes, sir.

Q. Now, after that conversation that you have described that took place subsequent to the 4th of January, did you have a further conversation with Martin before the appointment of Creeden on the 12th? A. I went to see him in Albany.

Q. And what brought you to Albany—what purpose? A. There was some talk that Wiegand was going to be appointed again next week.

Q. You heard a rumor that Wiegand was going to be appointed instead of Creeden? A. Yes, sir.

Q. As soon as you heard the report regarding Wiegand's appointment you hastened to Albany? A. Yes, sir.

Q. And when you saw Martin you accused Martin of bad faith, didn't you? A. Yes, sir.

Q. You remember meeting Martin in Albany? A. Yes, sir.

Q. Where did you meet him? A. At the Delavan, I believe.

Q. He was stopping there, was he not? A. Yes, sir; I think so.

Q. Do you remember saying, "John, what does this report mean, that Wiegand is going to be appointed instead of Creeden?" A. Yes; I guess so.

Q. You remember saying further, "Creeden has put up his \$15,000 in good faith and it would place me in an awful hole," or some such thing, and using an expletive there, if this thing wasn't to be carried out according to agreement; you said that? A. Yes, sir.

Q. Do you remember saying to Martin further, that as long as Creeden's friends had put up more money than Wiegand was

reported to have put up that it would play the devil in the organization in that district if Creeden was not appointed? A. I might have said that.

Q. Do you remember whether you did or not? A. I guess I have.

Q. Do you remember Martin then saying to you that he would go right down to the commissioner and see what it meant? A. Yes, sir.

Q. What further did Martin say to you that evening? A. I could not remember.

Q. What? A. I don't remember, Mr. Goff.

Q. I don't want to be refreshing your memory, as we go along, I would prefer to have the balance of the conversation from you? A. I told him that it was not right to act that way.

Q. That it was not right and it would put you in a false position? A. Yes.

By Chairman Lexow:

Q. Did you say it would hurt the organization? A. Yes.

By Mr. Goff:

Q. It would hurt the organization; now, will you tell us all what Martin said on that occasion? A. Well, that I could not—I don't remember; the conversation, of course, was in general upon the disappointment of him getting to be appointed.

Q. You felt pretty angry about it? A. I did.

Q. And you expressed yourself pretty strongly about it, that it was not a fair deal? A. Yes, sir.

Q. And that it would put you in an awful position with the people in your district? A. Yes, sir.

Q. Did Martin say that he would see the commissioner immediately? A. Yes, sir.

Q. And prevent Wiegand's appointment? A. Yes, sir.

Q. Did he name any time? A. No; if I am not mistaken he came right down from Albany.

Q. Came right down with you from Albany? A. Yes.

Q. That day? A. Yes, sir.

Q. Did you see him the next day? A. Yes, sir.

Q. You had an appointment with him to see him as soon as he could see the commissioner? A. I think he came to my place

Q. Your place; that is right? A. I think so; I don't know.

Q. What did he tell you when he came to your place? A. It would be all right.

Chairman Lexow.—Information seems to have come from headquarters that the superintendent of police has filed charges against Captain Creeden, and that he has been suspended by the police commissioners. In view of the statements that you made this morning, it seems extraordinary that action of that kind should be so suddenly taken, and we would suggest to our counsel to examine into the matter. It is certainly not an incentive to come forward to tell the truth before this committee if action of that kind is to be taken.

Mr. Goff.—And further than that I have received a dispatch of the same purport, and I thought we would wait until we would close to speak about it. It is most extraordinary in the face of the fact that we have seen here to-day in this courtroom police captains who are under indictment by the grand jury of the city and county of New York, accusing them of felonies, and they have not been suspended. One was on the stand to-day in full uniform.

Senator O'Connor.—It looks as though the man who tells the truth is to be prosecuted by the police officials.

Mr. Goff.—And that course has been pursued from the time Captain Devery was indicted upon the charges preferred by the Society for Prevention of Crime, and the president of the board then refused to suspend Captain Devery, on the ground that there was no precedent for it; and since then the board has uniformly refused to suspend captains who walk the streets in command of precincts—public officials of this city under indictment of felonies; and, to-day, the extraordinary spectacle is presented of a police captain, who has been upon the stand here, and under obedience of the subpoena, and under the obligation of his oath, and under the assurance of this committee speaking for the State of New York, that he would be protected so far as they could, and as far as the influence of this committee would go from any proceeding or prosecution against him, that this board of police that has hitherto refused to suspend a captain who is under indictment, suspends this man who is not under indictment.

Chairman Lexow.—It is abominable. Why not telephone to headquarters that we want the commissioners on the stand right away?

Mr. Goff.—It would be well to subpoena them right away. We have the authority. Now, Mr. Chairman, speaking of suspensions, and inasmuch as Mr. Reppenhagen has been on the stand considerably doing what I believe he intends to do—that is right—we will suspend Mr. Reppenhagen now for a little while to call another witness here so as to give the police commissioner a little more material. Just take a chair down here, Mr. Reppenhagen. Now, Miss Meyer?

Lena Meyer, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. Miss Meyer, are you acquainted with Mrs. Herman? A. Yes, sir.

Q. Now, I don't mean my question now to refer to the Mrs. Herman in court here; I mean her sister? A. Yes, sir.

Q. Mrs. Mary Herman? A. Mrs. Mary Herman.

Q. That is Mathilda here? A. Yes, sir.

Q. Were you housekeeper for Mary Herman? A. No, sir.

Q. You resided with her? A. Sir?

Q. You resided with her? A. Yes, sir.

Q. Where? A. In 137 and 139 West Third street.

Q. West Third? A. Yes, sir.

Q. In what year? A. Eighteen hundred and ninety-one.

Q. Did you reside with her any place else? A. No, sir.

Q. How long did you reside there? A. With Mary Herman?

Q. With Mary Herman? A. All together, three months.

Q. In that house? A. Yes, sir.

Q. Was that while Mathilda Herman was away? A. But I was there before.

Q. You were there before Mathilda went away? A. Yes.

Q. Did you do any business for Mary Herman? A. Yes, sir; while Mrs. Mathilda Herman went to France, Mrs. Mathilda Herman left her sister and myself in charge of the house, and she told us the first of every month we should go and pay Lawyer Price \$80 protection, which we did; the first time I went there alone to Mr. Price's office, and gave him the \$80 for protection; the second and third time we went up in his own private house, Lexington avenue, I forget which street; it was a corner house; and we paid him; we handed him the \$80.

Q. Eighty dollars a month? A. Yes, sir.

Q. You knew that was for police protection? A. Yes, sir.

Q. That was three months you gave him \$80? A. Yes, sir.

Q. Weren't you told what police captain was to get that money? A. Captain Brogan.

Q. Captain Brogan? A. Yes, sir.

Q. He was captain of the precinct at that time? A. Yes, sir.

Q. Was that all the transactions that you had with him? A. Yes, sir.

Q. Was the money paid in bills? A. In bills; yes, sir.

Q. The house was not disturbed during that time? A. Never.

Q. And you went, you say, near the first of the month? A. Always the first of the month.

Q. I misunderstood you; in the first place, did you go to his house or his office? A. The first I paid him I was all alone and went to his office in Center street, and I was all alone.

Q. And the other two times were -- A. In his own private house, Lexington avenue.

Q. You left after three months, you say? A. Yes, sir.

Q. You have testified that during those three months the house was not at all disturbed? A. No, sir.

Q. And the house at that time was what we call a disorderly house? A. Yes.

Q. A house of ill-fame? A. Yes, sir.

Q. Was it not? A. Yes.

Q. And ran as such? A. Yes.

Mr. Goff.—Now, I will let you go. Is Mrs. Byrnes here? Mrs. Byrnes of West Fifty-third street? (No answer.) Will you note another failure to appear, please?

Chairman Lexow.—What is her first name?

Mr. Goff.—Libbey.

Chairman Lexow.—Note Libbey Byrnes, called at 4:23 p. m., failed to respond.

John Reppenhagen, recalled and examined, testified as follows:

By Mr. Goff:

Q. Now, Mr. Reppenhagen, after having a few minutes of rest I direct your attention once more to the conversation that you had with John Martin in the Delavan at Albany; and I would much prefer that you would come out with the whole of that

conversation than to have me read in detached sentences from Mr. Martin's statement as to that conversation? A. In a general way I accused him of not doing the right thing by me.

Q. Yes; don't you know you went beyond that, and that you said that inasmuch as Captain Creeden had put up more money than Wiegand was willing to put up that the appointment should go to him by all means? A. Well, I don't remember it; I might have said it; I would not swear to it.

Q. Don't you think it very likely that you did say it? A. It is very likely; yes, sir; in the mood I felt and knowing what I did know. }

Q. Now, don't you remember that when you said that to Mr. Martin in the Delavan — this was at the end of the bar, wasn't it? A. Yes, sir. }

Q. Don't you remember when you said that to Martin that Martin said in word and in substance as follows, "I will go right down, and I will see Voorhis, who is too damned hoggish about this thing;" do you remember those words? A. I don't remember the words. }

Q. Well, but the substance? A. The substance of it he might have said so. }

Q. And now that your memory is refreshed, does it not come up clear to you that at the end of the bar in the Delavan that Mr. Martin clinched his fist and struck the bar in that way (indicating); do you remember that? A. Yes, sir.

Q. And do you remember that when he struck the bar that he said that Voorhis wanted the whole of it, and that he was a hog, and that he would go right down to New York and see that the right thing was done? A. That is what he said; he was going down, but I don't know his words.

Q. You remember him striking the bar with his clinched fist? A. Yes, sir.

Q. And don't you remember as he struck the bar with his clinched fist he was very emphatic in his language? A. Yes, sir.

Q. You know John was emphatic when he was worked up? A. Yes, sir.

Q. And what you told him worked him up? A. Yes, sir.

Q. Didn't it? A. Yes, sir.

Q. So, he was in that condition of excitement; and when he struck the bar several times with his clenched fist, didn't he say those words, "That Voorhis wanted everything; almost the

earth; he was hoggish; and he would go right down to New York, and talk right up to him, and tell him he must do the right thing?" A. In substance he said that; yes.

Q. And do you remember that after Mr. Martin had spoken in that excited manner, that you said to Martin that if that thing was not straightened out and done right away that you would go down and have that money given back to the people who have subscribed? A. Yes, sir — not to the people; no.

Q. Well, to Creeden? A. Well, tell the man to give it up; yes.

Q. Well, that is it — meaning Mr. Snell, to give it up? A. Yes, sir.

Q. And didn't you say to him, further, that if Creeden's appointment was not made, and that if Weigand's appointment was made, that Martin himself would not be able to get a damn cent of the money? A. I don't remember saying that.

Q. Are you positive? A. I don't remember it; I might have said it; I wouldn't swear to it.

Q. Don't you remember saying to him that if Weigand was made captain that he, Martin, will not come in upon a dollar? A. I don't remember that.

Q. Don't you know that that subject was spoken of, that if Weigand was to get the appointment, as was rumored, that Martin would be left out in the cold, and that he would not get any part of the money; that Weigand would have to pay out for the appointment? A. I did not know that.

Q. Didn't you say that to Martin? A. I might have said that.

Q. And that was the only chance Martin had to make a dollar in the transaction was in getting Creeden appointed? A. Yes.

Q. Wasn't that it? A. Yes.

Q. And at this time nothing was said between you and Martin as to the share that Martin was to have? A. No, sir.

Q. There was nothing said about your having any part of this money? A. Not at that time; no, sir.

Q. I want to get from you the absolute truth upon this question; did you pay your own expenses to Albany, and go to some trouble without the hope of being reimbursed? A. I done it in the interest of Creeden.

Q. In the interest of Creeden? A. Yes, sir.

Q. And at this time you had no idea or thought of deriving any financial gain? A. No financial gain; only I thought I would get my expenses back, going to Albany.

Q. From Creeden or out of the fund? A. I must have asked Creeden if he would pay the expense if I would go to Albany.

Q. You asked Creeden? A. Yes; I did.

Q. You had been talking with Creeden about the rumored appointment of Weigand? A. Yes, sir.

Q. And it was after the conversation with Creeden that you agreed to go to Albany? A. Yes, sir.

Q. And he agreed to pay the expense? A. He said he would if he were appointed.

Q. It would be all right? A. Yes.

Q. Now, you say that it was a part of the agreement between yourself and Martin that after he had seen the commissioner and talked with him that he would see you? A. Yes, sir.

Q. And he did see you? A. Yes, sir.

Q. At your place of business? A. Yes, sir.

Q. That was within a day or two after you had arrived from Albany? A. I think it was on Saturday night; yes, sir.

Q. On Saturday night? A. Yes, sir.

Q. The second day? A. Friday we came from Albany.

Q. You went up to Albany on Thursday night? A. Thursday night.

Q. And you stayed in Albany, Friday, until you started for New York on Friday evening? A. Yes, sir.

Q. And on Saturday, John Martin went down to your saloon? A. Yes, sir.

Q. What did John Martin say to you when he went down to your saloon? A. He said he thought it would be all right.

Q. Did he say he had seen the commissioner? A. Yes, sir.

Q. Did he say he had told the commissioner that if Wiegand was appointed that the devil would be to pay? A. No; he didn't say that.

Q. Didn't he say there were ugly rumors about Wiegand's appointment? A. Yes.

Q. And didn't he tell you that he told the commissioner that Creeden had gone to the trouble of putting the money up in a man's hands? A. He did not tell me that.

Q. Didn't he tell you that he told the commissioner money was up? A. No, sir.

Q. Didn't he tell you that he told the commissioner Creeden had paid \$15,000? A. He did not say that.

Q. Didn't he say something to you as to the conversation he had with the commissioner as to the amount of money Creeden

was willing to put up for an appointment? A. No, sir; he did not say to me that the commissioner was going to get any money; I am telling the truth.

Q. I understand, but sometimes your recollection may fail you, and your memory may fail you; John had a couple of drinks that night, didn't he? A. Yes, sir.

Q. And you had a few drinks with him? A. Yes, sir.

Q. And talked about politics and about the organization in your district, did you not? A. I guess we did; it was a general conversation.

Q. And you remember a talk with him that it would be a great benefit to the organization if Creeden's appointment would be made; you told him so; that it would help you and your friends in the organization in that district? A. Yes.

Q. Isn't that so? A. Yes, sir.

Q. Don't you remember John Martin saying to you, in the conversation, that Creeden was sure to be appointed? A. Yes.

Q. That Voorhis had pledged him his word? A. Yes, sir.

Q. That he would appoint him at the next board day? A. Yes.

Q. And don't you remember him saying further to you that he had told Creeden right up and down that that appointment would have to be made—that he had told Voorhis that that appointment of Creeden would have to be made? A. Yes.

Q. He said that? A. Yes, sir.

Q. And you remember him saying further right in that relation that he told Voorhis that Creeden's appointment would have to be made, otherwise that it would be a flare up about him having put up the money?

By Chairman Lexow:

Q. That is right, is it? A. No, sir; he did not say that.

Mr. Goff.—Didn't he use the word "scandal" or "flare up?"

By Chairman Lexow:

Q. There would be trouble in the organization? A. In the organization; yes, sir.

By Mr. Goff:

Q. Didn't he go further than that, that as long as it was known in the organization that Creeden had put up \$15,000 that

the failure to appoint Creeden would create an exposure or scandal? A. I don't remember of him saying that.

Q. Will you swear he did not say those words? A. I will not swear; no, sir.

Q. Isn't it your best recollection he did say those words that I have read? A. No, sir; I don't remember that.

Q. I will read them again for you that "John Martin said that he told the commissioner that Creeden having put up the \$15,000 a failure to appoint him would make an exposure and a great deal of trouble?" A. I guess that would rather be on my side than his side; I don't think he said so.

Q. You swear he did not say that? A. I would not swear that; no.

By Senator Bradley:

Q. Did you say that? A. I might have said it, because I wanted Creeden appointed; I was interested.

By Mr. Goff:

Q. Then the subject was spoken of; there may be an error whether Martin said it or you said it; but that one of you said it there is no doubt about it? A. That might be; I would rather say I would say it myself.

Q. I was not far astray; it was said anyway? A. If it was said, I said it.

Q. And do you remember that after you said that that John Martin said to you, "Yes; and told him that," meaning Voorhis; "Yes; and I told him that"? A. I don't remember it, Mr. Goff.

Q. Will you swear he did not say that in response to what you said? A. I will not swear it.

By Chairman Lexow:

Q. What is your best recollection? A. I don't recollect.

Q. Don't you recollect it at all? A. I don't; I don't recollect the conversation even now in my place.

By Mr. Goff:

Q. Anyway it was that he had got Voorhis? A. The conversation took place somewhere.

Q. What was the conversation that took place in your store; that is the one I have reference to; we will get to the other conversations as we go along; now, you are sure, however, that Martin said to you that Voorhis had given him his word, had pledged his word that Creeden would be appointed? A. Yes, sir.

Q. And that was on Saturday — Saturday evening? A. Yes.

Q. Now, between Saturday and the 12th of January, that was about four or five days thereafter, did you see John Martin again? A. I went a second time to Albany.

Q. What was the cause of your going to Albany a second time? A. I heard the same rumor.

Q. Now, from whom did you hear the rumor the second time? A. From Captain Creeden's friends.

Q. It got around again that Wiegand was to get the appointment? A. Yes, sir.

Q. So you went up the following week? A. Yes, sir.

Q. And did you meet Martin in the Delavan House? A. I met him, but — I don't think I met him in the Delavan that morning; but I met him in the Senate, in the Senate chamber, I think, to my best recollection.

Q. He was then one of the clerks of the Senate? A. Yes, sir.

Q. Did you have a talk with him in Albany outside the Senate chamber? A. I had a conversation with him; but where, I could not remember.

Q. Well, the conversation is the important thing; the place is not important; will you tell us what took place at that conversation? A. I told him again that I heard that conversation.

Q. That you heard about Wiegand's appointment? A. Yes, sir.

Q. What did he say again? A. I think he said I need not be uneasy; that it would be all right.

Q. That you need not be uneasy? A. Yes, sir.

Q. Didn't you say to him about the time that you were anxious that you did not like to hear those reports going around about Wiegand's appointment? A. Yes, sir.

Q. And Creeden and his friends were very apprehensive? A. Yes, sir.

Q. And then he told you he would come down to New York and see the appointment was made before he went back to Albany? A. Yes, sir.

Q. Didn't you say to him at that second conversation, didn't you say to him, "John, you had better go down yourself and stay by the commissioner until his appointment is made;" didn't you say that? A. Yes; I guess I did.

Q. And didn't he say to you then that he would go down, and he would not leave Voorhis until Voorhis made that appointment? A. I don't know that.

Q. Didn't he pledge you that he would go down? A. Yes.

Q. In response to your demand? A. The Legislature adjourned, I believe, for a while, and he said he would stay in New York anyway.

By Chairman Lexow:

Q. He promised to go right down to the commissioner and tell the commissioner what you had said to him; did he not? A. About the rumors; yes, sir.

Q. That this man, Sergeant Wiegand, was going to be appointed, instead of Creeden? A. Yes, sir.

By Mr. Goff:

Q. Wasn't there something said at that interview that it was rumored that Weigand had put up more money than Creeden? A. I don't recollect that, that there was anything said about more money.

Q. Was there about more influence backing him? A. That might be.

Q. Now, did Creeden come down with you that time to the city? A. I don't really recollect whether I came down with him or not; I think —

Q. How soon after did you see Martin? A. I don't remember.

Q. Where did you next see him, and where, after leaving him at Albany the second time? A. He might have come over to my place again; I don't know.

Q. When he went over to your place, did you tell him, or did he tell you, when the appointment was to be made, or if it had been made? A. If it was going to be made it would be made on the next Tuesday; on that Tuesday coming.

Q. That was, the board meeting? A. Yes, sir.

Q. That the appointment was to be made on the next Tuesday; did you see Creeden and tell him that? A. I did.

Q. And the next Tuesday how soon did you hear of the appointment? A. I guess about 3 or 4 o'clock.

Q. Any information? A. I think I went around to the station-house and heard it there, and from there I followed Creeden over to headquarters.

Q. What? A. From there I followed Creeden over to headquarters and see him sworn in.

Q. You went over to headquarters and saw him sworn in? A. Yes.

Q. That satisfied you of that appointment? A. Yes, sir.

Q. Did you see Martin that day? A. Yes, sir.

Q. Where? A. In Commissioner Voorhis' office.

Q. Was he present when Captain Creeden was sworn in? A. No; I don't think he was; not in the chief clerk's office.

Q. But you did see him in Voorhis' office; any one in Voorhis' office besides Martin, Voorhis and yourself? A. Voorhis was not in there; he was in the other office.

Q. Were you talking with Voorhis that day? A. No; I didn't see him, that I remember.

Q. You met John Martin in Sherman's office, in the ante-room of Voorhis' office A. Yes, sir; I think Captain Creeden went into Voorhis' office himself, and thanked him.

Q. To thank the commissioner? A. I think so; I don't know; my mind is that way.

Q. Now, after Creeden was sworn in did you and Creeden have any conversation at police headquarters about when the money would be paid over? A. I told him that it would be paid over right away, as soon as he was appointed.

Q. When he was appointed was there anything said or known at the time as to what precinct he would be assigned to? A. When he was appointed he was right away assigned to the First precinct.

Q. That is what I mean? A. Yes.

Q. When you told Martin that the money you thought would be paid over right away, did you make an appointment with him to meet so as to give him the money? A. No.

Q. Up to this time nothing had been said between Martin and yourself as to a division of the money between you and him? A. No, sir.

Q. Did you make an appointment with Martin to meet, as to where the money was to be paid? A. Yes, sir.

- Q. Where was that meeting to be held? A. At my place.
- Q. When? A. Some time that night.
- Q. That night; did Martin go down to your place? A. Yes, sir.
- Q. In the meantime had you seen Snell? A. I had not.
- Q. Had you sent for him? A. Yes, sir.
- Q. Who did you send? A. I can not remember.
- Q. You sent some trustworthy messenger? A. To see Snell, I suppose.
- Q. Did you get a message from Snell? A. Not then.
- Q. Well, you expected to get the money to give it to Martin that night at your saloon? A. Yes, sir.
- Q. I want to know if you sent to Snell in order to get the money from Snell? A. I think I did; yes, sir.
- Q. What message did you get from Snell? A. He would have to get an order from O'Rourke before he paid it over.
- Q. When Martin came down to your saloon he expressed some disappointment in not getting the money; didn't he? A. Yes, sir.
- Q. Did you tell him the reason the money could not be got? A. Yes, sir; I told him it would be all right; he had an idea he would not get it.
- Q. He feared he would not get it? A. Yes, sir.
- Q. Did you make a further appointment with him as to the time of getting this money; I mean that night at your store, the night of the 12th of January? A. I think he had to go away again that night, if I am not mistaken.
- Q. To Albany? A. I think so; but I would not be positive; he was there about 9 o'clock.
- Q. When next did you see him or hear from him? A. On Friday night, I think.
- Q. The following Friday night when he came from Albany? A. When he came from Albany, I think.
- Q. At your place? A. Yes, sir.
- Q. Did he ask you for the money? A. He asked me if it was all right then.
- Q. Was it all right then? A. Not at that time.
- Q. From the time you first went to your store after the appointment, on his return from Albany, had you seen Snell in the meantime? A. Yes, sir.
- Q. And asked him for the money? A. Yes, sir.
- Q. Did he give it to you or refuse it to you? A. He refused it.
- Q. On what ground? A. He said he did not get any order; he must get an order from Barney O'Rourke.

Q. Did you see Barney O'Rourke? A. I did not see him personally.

Q. Did you send to Barney O'Rourke? A. Mr. Snell did, I believe.

Q. Did you hear from Barney O'Rourke of any reason why the money should not be delivered over to you? A. Yes.

Q. What was the reason? A. That he was not sent to the Tenth precinct.

Q. That the captain was not sent to the Tenth precinct? A. Yes, sir.

Q. Didn't that message that Snell delivered to you say that the money would not be delivered under any circumstance unless he was assigned to a better precinct than the first? A. No, sir; I don't think so; I don't think it was.

Q. Don't you remember that there was a discussion between yourself and Snell at that time, in which it was said that Creeden having been sent to a precinct where no money could be made, that he could not expect to pay back the \$15,000 unless he was sent to a good, fat precinct; don't you remember that? A. Yes; there was something said of that kind.

Q. And that if he had been assigned to the command of the Eleventh precinct where he was known, and where his friends were, that he could soon make money enough to pay that back; wasn't that so? A. Yes, sir.

Q. But the fact that he was sent down to the Old Slip station-house where there was very little money to be made, that his friends did not feel justified in giving up the money, because there was no chance of his getting that back; isn't that so? A. Yes, sir.

Q. You said you would see John Martin about that? A. To Snell; no; I said I would see Creeden about it.

Q. Oh, you saw Creeden? A. I did.

Q. What took place between yourself and Creeden? A. I told him it was not right the money was not paid over, because I was the go-between, and I ought to — my honor was at stake.

Q. You wanted to be set right in the matter? A. Yes, sir.

Q. What did Creeden say? A. Creeden said he would go and see the people.

Q. And what followed? A. Well, he seen them, and it seems they had a meeting, and it was decided to turn over the money to me; that is what I heard; Snell was at the meeting; he knows.

Q. Snell was at the meeting? A. Yes.

Q. Did Snell visit you again? A. Yes, sir; he gave me the check.

Q. Do you know if Snell had a written order? A. Only what he told me.

Q. He told you he had a written order? A. Yes.

Q. Did you make an arrangement with Snell where to receive the check? A. No; not directly.

Q. Did he bring the check to your place? A. Yes.

Q. Did you give him any receipt for it? A. No, sir.

Q. And you deposited that check right away in your bank? A. A day or the second day after it; I think it was Saturday night when I got the check; it was deposited on Monday.

Q. How soon after you deposited the money on January 18th, Mr. Reppenhagen, in the bank, did you see Martin? A. I don't think I seen him again until the next Friday.

Q. The following Friday? A. Yes.

Q. Did he visit you at your place? A. Yes, sir.

By Senator Pound:

Q. That is when he came down from Albany that week, I suppose? A. Yes, sir.

Mr. Goff.—Mr. Reppenhagen, I will ask you to step aside again.

James J. Martin, recalled, further testified:

By Mr. Goff:

Q. Information has reached the committee that the police board this afternoon has suspended from duty Captain Creeden; is that so? A. That is true.

Q. What is the cause of the suspension, Mr. Martin? A. About 3 o'clock, about the close of the meeting of the police board, the superintendent sent word that he would like to speak to the board in executive session, and in a few minutes he came before the board; he stated that he had learned of testimony given by the captain before the committee to-day in which he had admitted having paid \$15,000 for his appointment, and the superintendent recommended, in view of his testimony, that he be suspended from duty, and that charges be preferred against him; and the board agreed to his recommendation; at that time, it is fair to say that the board had

no knowledge whatever, nor did the superintendent say anything about it, of the view of the counsel of the committee on the subject; I learned that within half an hour on reading the later edition of the evening papers; of course, the board has adjourned and I have no right of my own motion to take any action at this time.

Q. Well, President Martin, the Senate committee having expressed itself so unequivocally on the case of Captain Creeden to-day, we were very much surprised to hear of the action of your board, and they directed that you should be summoned here so that you could explain the action of the board, and the causes of that action? A. Well, sir, that is the explanation; the board of police have had no knowledge whatever of the view of this committee.

Q. Now, I will ask you in relation to this matter; there have been several captains indicted recently in this city, and captains whose names have been smirched with accusations of accepting bribes, before this committee? A. Yes, sir.

Q. You know that? A. Yes, sir.

Q. Has any resolution been introduced by any member of the board, or any motion made by the superintendent, to have any captain who has been indicted on matters growing out of the matters given before this committee? A. A recommendation that he be suspended?

Q. Yes. A. I think there is but one captain in that position that I have in mind, and the charges have not yet been preferred to our board, although the superintendent has been directed to prefer them; I believe they are in the course of preparation.

Q. I will take one single case; we had here, one day, a gentleman of social and commercial standing in this city, the representative of a great corporation, Mr. Forget, and he testified, and submitted his books in corroboration of his testimony, that \$500, as a bribe or blackmail, was paid by him to Captain Schmittberger; that testimony appeared in the newspapers, charging an officer of your department, a police captain, with having accepted bribe or blackmail; on the reading of that testimony did you or any member of the police board introduce a resolution to suspend that captain? A. No, sir; that is the case that I refer to now.

Q. Did the superintendent introduce a resolution? A. He did not; I would like to say that the board of police will probably meet to-morrow, and that this matter of Captain Creeden can be taken up at that time.

Q. Well, the testimony of Mr. Forget was given on September 12th, and since then Captain Schmittberger has been indicted by the grand jury? A. Yes, sir.

Q. And he is yet in active duty? A. He is yet in command of his precinct, and charges, I think, are now in the hands of the superintendent—within a day or two.

Q. But, so far, from the commencement of the sessions of this committee up to the present time, notwithstanding the many charges that have been sworn to against captains and indictments found against captains by the grand jury, no captain has been suspended up to the present time but Captain Creeden? A. That is all.

Q. Now, Commissioner Martin, I will read for you the expression of counsel, acting under direct orders from the committee to-day, at the close of Captain Creeden's testimony.

Mr. Goff.—Will you please read that, Mr. Moss? I haven't got the exact wording, but it is substantially the same.

Chairman Lexow.—It carries out the principle.

Mr. Goff.—It is the same really. It is very accurate.

Mr. Moss.—(Reading.) "Mr. Goff then said: The committee wishes, in conjunction with me, to express the great sympathy we feel for your position here yesterday" (speaking to Captain Creeden) "and to-day with the trying work your emotions must have undergone. They wish me to say further that in view of the splendid services you have rendered to your country, and to the police force, that it is the unanimous expression of the committee that you should not be disturbed in your present position as a police captain."

Mr. Goff.—That is the official expression of this committee, Commissioner Martin, touching the case of Captain Creeden.

Q. Do you, as president of the police department of this city—I do not wish to say anything at all with regard to your official action that you do not feel called upon to say; but, are you disposed to disregard that recommendation and strong expression of opinion from the Senate of the State of New York as recommended by this committee? A. I am inclined to consider that

recommendation very carefully and will give it my full attention and will bring the matter before the board of police to-morrow at its meeting, and I hope we may be able to agree with the committee.

Chairman Lexow.—Mr. Commissioner, we consider that Creeden has performed a great service to the State, and that instead of being reprimanded by a suspension, he ought to receive, if anything, commendation from the board of police commissioners.

By Chairman Lexow:

Q. Did it not appear to you when this matter came before you that the very best way to stop any future developments and to prevent any other captain or any other member of the force from coming forward and revealing that which has occurred in the past few years was the very action which you yourself took to-day? A. I said that I had no knowledge whatever of the view that the committee took of the testimony of the captain at the time the board acted, and at this time I can only speak for myself; but I am very much disposed personally to regard the recommendation of the committee, and I feel that the captain has rendered the State a service in testifying as he has; and I have taken no action, so far as I am concerned, to prevent Captain Creeden or any other captain from telling the truth before this committee.

Chairman Lexow.—No charge of that kind has been made.

By Mr. Goff:

Q. Are you disposed in your future actions to take any action to prevent him from telling the truth? A. No, sir.

Q. Now, if the opportunity presents itself, since there are no other charges against Captain Creeden, but that in relation to what he has sworn to before this committee, in having told the truth, will you say now, Commissioner Martin, as head of the police department of this city, whether or not you will punish him for telling the truth? A. Well, that is a very delicate question, I think, at this time.

Q. I think, commissioner, the situation calls for it; from your acting to-day not in complete knowledge of all the transactions, it is but fair to put that question to you and fair that you

should answer it? A. Well, if the committee thinks I ought to answer it at this time I will do my best to answer.

By Chairman Lexow:

Q. The committee thinks you ought to answer this proposition as to whether or not you, as a member of that department, are going to act in harmony with this committee in an attempt to purify the force, or whether you are going to take an action which will close the mouths of witnesses from telling the truth? A. I want to say that I want to act in harmony with this committee by doing everything I can to purify the police force.

By Mr. Goff:

Q. That is right; you know that for a long time it has been a matter of common report in the department that certain captains in the department had to pay for their appointments? A. Yes, sir.

Q. I take it that you, as the head of that department, are willing to aid every effort on the part of this committee to get at the truth of these reports? A. Yes, sir; I am.

Q. Now, the committee, in its efforts to get at the truth of this report, succeeded in having this captain come forward and tell the truth; are you willing, therefore, to visit upon that captain a punishment for aiding the committee in its effort to get at the truth? A. No, sir; I am not.

Chairman Lexow.—That is right. That is fair.

Mr. Goff.—That is fair and manly.

Q. Now, I want to go further; I think the situation requires it; since Captain Creeden has rendered not only to the Senate, as represented by its committee, and the State of New York, a service, but has rendered the department of which you are the head a service by telling the truth regarding the evil of which we have been speaking, are you willing to reconsider your action in suspending him to-day? A. I am, sir.

Q. And you will revoke that suspension? A. So far as my vote is concerned, I will; I can only speak for myself.

Senator O'Connor.—The committee looked at it in this light. We think Captain Creeden is a very reputable man and that he fell a victim to a system when he found he could not obtain promotion that by reason of his record he was entitled to in

any other way than by reason of the system that prevailed, and that he simply submitted to the inevitable. We are all liable to lapse sometimes, and we think that the fact that he has come here and frankly told about it ought to give him credit. He is really aiding the State in doing a good duty, and we think it is not out of the line of the policy of the State to favor such admissions.

The Witness.—The only question in my mind would be whether or not the community would support the keeping of a captain in command and on actual duty, or whether it would be better, in view of all the circumstances, that the captain should be retired, he having been 30 years in service. Of course, we can not retire him until he makes the application.

Mr. Goff.—Of course, that is a matter solely for you. The point is, the committee's expression was that he should not suffer by reason of this.

Chairman Lexow.—He should stand as well in the department to-day as well as he did yesterday before anything was known.

Q. And so far, outside of this matter before the committee, no complaints have been made against the captain for inefficiency or incompetency? A. Not the slightest; he has been an excellent officer; in fact, I would have been glad to have promoted him myself at the time he was an applicant, if I could; I thought very well of him at that time.

Q. And he being an excellent officer and being thoroughly efficient and competent in his command for police duty, do you not think now that, taking everything into consideration, and in your effort to cleanse the department of this horrible systematic corruption, that it would be a generous action for the commissioners to restore him to active duty? A. I do.

Q. And you will do everything in your power to do it? A. I shall present it to-morrow to the board and support it myself.

Q. Will you express to the board the unanimous opinion of this committee and its counsel? A. Yes, sir; it is a matter I didn't understand at the time the action was taken at all.

Mr. Goff.—We are obliged to you for having come down.

The Witness.—I am very glad to have come here.

Mr. Goff.—We will be pleased to have communication from you on Monday morning on that point.

Thomas Byrnes, a witness called on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. You are the superintendent of police of this city? A. Yes, sir.

Q. The committee received information, Mr. Byrnes, that on your recommendation to-day, or some other official action on your part, that the board of police commissioners suspended Captain Creeden from active duty? A. That is true, sir.

Q. And on what cause did you proceed to recommend such a suspension? A. On the statement that when he was appointed a captain he swore that he did not pay any money for his appointment, or any other consideration; that yesterday on the stand he swore to a series of facts before this committee, stating that he didn't contribute any money to any person for his appointment, and to-day he admitted on the stand that he did pay \$15,000 for his appointment; that being the case, there was perjury committed some place, and the board of police was in session; I went and stated those facts to them, and said that under the circumstances I thought the man ought to be suspended until such time as the matter was entirely investigated, and on those grounds he was suspended.

Q. Now, superintendent, since this committee has been in session a number of captains have been charged before this committee by various persons of various conditions of having accepted bribes and extorted blackmail; you are aware of that from the public reports? A. Yes, sir.

Q. And a number of captains have been indicted by the grand jury for these offenses? A. Yes, sir.

Q. And are under these indictments to-day? A. Yes, sir.

Q. We had one here to-day, Captain Schmittberger, who declined to answer any question, on the ground that he was under indictment; has any captain whose name has been mentioned here in connection with the receiving of bribes or the extorting of blackmail been suspended from active duty? A. They have not; no, sir.

Q. Has any captain whom the grand jury has indicted or who is under an indictment for felony to-day by reason of these extortions, been suspended from duty? A. No, sir.

Q. Has the question ever been brought before the board of police commissioners by you, as superintendent, as to any of these captains who have been so charged or indicted? A. No, sir.

Q. Can you give us any good reason why there should be a distinction made, or a discrimination, against Captain Creeden for appearing before this committee, and the cases of the captains who have been charged or indicted for extortion? A. I would like to go back and correct the last answer that I gave, sir; in all cases it has been the rule in the police department where a man was on bail — it is the unwritten history of the department where he was out on bail charged with any offense that he was allowed to go and perform police duty; in this case of Captain Creeden, I think it is the first time in the history of the department, so far as I know — every one of these captains you speak of deny that they are guilty; this man goes on the stand and swears he is guilty; that is the only difference.

Q. So that you draw the distinction between an indictment of a grand jury of this county charging a captain with a crime and a captain who comes before this committee and admits that he has committed wrong? A. Mr. Goff, I do not draw the distinction at all, sir; it is the custom that has always existed in the department, and in this case when it came to my knowledge I simply informed the commissioners about it, they being in session, and they asked me if I thought it was wise that he should be suspended; I said in view of this man's swearing yesterday that he didn't pay anything and to-day swearing that he did pay it; that I thought it would be wise to suspend him.

Q. But, superintendent, is there any precedent for your action in Captain Creeden's case? A. There is no precedent in Captain Creeden's case either.

Q. So that we have the two cases without a precedent? A. Yes, sir.

Q. Two classes of cases without a precedent? A. Yes, sir.

Q. But one is more heinous in your eyes than the other? A. I didn't say anything of the kind.

Q. I wanted to know if it was? A. No; I don't think it is.

Q. You don't think it is? A. No; not a particle.

Q. And you think that, so far as the interests of the public service and the public interests are concerned, that it is as disgraceful for a man to be wearing the uniform and doing duty as a police captain, while under indictment, as it is for

a captain to wear the uniform and do duty as a captain as a self-confessed wrongdoer? A. I do; I think a man who is a self-confessed wrongdoer under his oath here, the other man disclaiming, and the presumption being that he is innocent until he is proved guilty, I think there is a very great difference in it.

Q. In justice I must say there is a difference; but now, superintendent, you didn't recommend the suspension of any of the captains mentioned, did you? A. Because they had their liberty, and I say it has been the unwritten history of the department, where a man has committed any offense in violation of the rules of the department or in violation of law, or if he was arraigned before a magistrate and bailed out, that he always was allowed to do duty until that case was finally disposed of by the magistrate or by the court.

Q. Superintendent, you have been in the military service; and do you not know that it is a law of the military service that an officer who is under charges and specifications is relieved of duty pending the decision of those charges and specifications by a court-martial or court of inquiry? A. Well, those things I am not well enough up in to theorize on, Mr. Goff; I know it is usual where there are charges made against an officer in the army, if the charges are serious, that he is generally relieved from duty until a court-martial is convened and there is a final disposition made of the case, but I could not cite one case to you now.

Q. I do not call for a particular case; but it is the law? A. I think it is the law and rule in the army; yes, sir.

Q. I would ask you, as superintendent of police, should there be a lower standard of official propriety and decency in the police force than there is in the army? A. Well, I would not like to give any opinion on a thing of that kind, sir; I do not think I am authority; I do not think I could give a fair or just opinion.

Q. You don't think you are qualified? A. I don't think so; no, sir; I don't know what the etiquette is in the army.

Q. But, however, since there has been no precedent and since it was an unwritten law, as you call it; that is, there never was a rule and no precedent establishing a rule; every doubt was resolved always in favor of the accused police captain? A. In the interest of the accused police captain or patrolman

or whatever his rank might be; he was always presumed to be innocent until he was found guilty either by a court or by the commissioners of police if they tried him on some particular case.

Q. Well, superintendent, hasn't it frequently occurred that officers who were charged with crime were taken to your desk and their shields taken away from them; hasn't that occurred before they were even found guilty by the board of commissioners or by a court of competent jurisdiction? A. There may be cases.

Q. Yes? A. Now, in this way: There may have been a case, or there may have been more than one, where an officer has been charged with some offense and he has been brought to police headquarters—I don't know that there was ever such a case occurred, but it seems to me that there has—and his shield has been taken away from him and he has been suspended there; he has been taken to court if he is charged with an offense against the law and arraigned before a magistrate; if upon that arraignment the magistrate puts him under bail and bail is furnished he is immediately relieved of his suspension and allowed to go on and do duty until such time as there is a final disposition made of his case.

Q. Sergeant Crowley was not allowed to do duty? A. Who?

Q. Sergeant Crowley; he was not allowed to do duty after the girl made the charge against him? A. Well, I don't know anything about that, you know; I was not superintendent of police, and I couldn't speak intelligently either one way or the other about it.

Q. Do you remember Mamie Hannen's case against Roundsman Dailey? A. Yes.

Q. Dailey was suspended; was he not? A. I think he was.

Q. As a matter of fact, superintendent, quite a number of policemen have been suspended, but I quite agree with you that there is nothing in the records of the department to show that a captain was suspended on charges? A. I doubt very much whether you will find anything in the records of the department to show where an officer, although there may be cases,—where an officer was arraigned in court charged with some offense in violation of law and the officer is bailed out; I doubt very much whethere there is any case where the officer has afterward been

suspended or a suspension continued; as a rule, they have been restored to duty; now, there may be isolated cases.

Q. Now, you know as a matter of common knowledge and notoriety that certain captains in the department have had to pay for their promotion; I have asked you, mind, as a common rumor and matter of notoriety that certain captains in the department have had to pay for their promotion? A. Will you please to repeat that question?

Q. (Repeated.) A. I must answer this part of it relative to common rumor; yes.

Q. That is what I mean.

Chairman Lexow.—That is all. Not as a fact.

Senator O'Connor.—Or his knowledge.

Witness.—I have no knowledge of it, sir.

Q. You regard that, superintendent, as not only a crime, but as subversive of all discipline? A. That is true; there is no question about it.

Q. Are you, as superintendent of this department, ready to unite in every effort made to put a stop to that evil in the department? A. There is not anything that lays in my power, so far as my official position is concerned, that I do not stand ready to do to-day; I stand ready to do anything that I can to help purify the department, to help to give this committee any knowledge that I may have relative to anything that has occurred since I have been superintendent of police.

Q. Now, you must, as a man of great police experience in this city—I believe you are over 30 years in the department? A. Going on 32 years.

Q. You must recognize the difficulty of obtaining positive evidence touching the payment of sums of money for promotion? A. It is very difficult.

Q. And I presume that you are also aware that the committee of the Senate has been engaged in endeavors to get positive testimony of such transactions? A. I don't know that to be a fact; I should assume so, and I should assume they got along very well from what I have read this afternoon.

Q. Well, they have been engaged in endeavors, superintendent, to obtain evidence of every evil and every abuse that has been allowed to exist in the department? A. Yes, sir.

Q. That you are aware of as a matter of — A. Yes, sir.

Q. — Official knowledge? A. Yes, sir.

Q. Now, in their efforts to obtain evidence of this particular abuse a captain has come forward and finally admitted the truth; do you think that captain ought to be punished for that admission? A. I do not think that that captain — criminally; probably, no; but I don't think that that captain, after swearing to three different series of facts, and the third one stating that he bought his place, I don't think he ought to be allowed to discharge the duties of a captain of police, and be the custodian of a precinct where there is probably 75,000 people living, to protect their lives and property; I don't think he is a proper man to do it.

Q. Then, superintendent, if your views be carried out by the police department it would entail a penalty upon every officer who would come forward here and tell the truth? A. Oh, no; I think not; I hope that you get every one of them that has ever done wrong or knows anything wrong about anybody else to come here and tell the truth.

By Chairman Lexow:

Q. How can we when you punish them for doing it? A. I haven't punished them.

Q. Or when you file charges against him? A. I haven't ever filed charges.

Q. Or recommend his suspension? A. I think that is proper.

Q. Do you think that is placing a premium upon officers coming before this committee and testifying to the whole thing? A. I do not.

Senator O'Connor.— Probably the superintendent means this: That he regards it his duty as a superintendent of police, even if they confess those things, to suspend them. But this case of Captain Creeden, the committee looks upon him more as the victim of a bad system than as a bad man himself. That is the way we look at it.

Witness.— Well, that is the way I look upon Captain Creeden as a man too.

Chairman Lexow.— The superintendent probably does not know the true facts that Mr. Goff will probably call his attention to in a moment.

By Mr. Goff:

Q. Now, superintendent, can you say that you are disposed to aid this committee in every effort it may make to obtain evi-

dence of the evils and abuses existing in the police department of this city? A. I am; and am ready to start right out now and do it when I leave the stand.

Mr. Goff.—I will ask Mr. Moss to read to you, superintendent, the expression of this committee at the close of Captain Creeden's testimony.

Mr. Moss (reading): "Mr. Goff stated to Captain Creeden: The committee wishes, in conjunction with me, to express the great sympathy we felt for your position here yesterday and to-day with the trying work your emotions must have undergone. They wish me to say further that in view of the splendid services you have rendered to your country and to the police force that it is the unanimous expression of the committee that you should not be disturbed in your present position as a police captain."

Q. Were you aware of that expression of the committee at the time that you called the attention — A. No, sir; I was not.

Q. Of Captain Creeden's case to the police board? A. No, sir.

Chairman Lexow.—I will add, Mr. Superintendent, that the committee declared that they considered the action of Captain Creeden the performance of a duty to the State, and that instead of punishment he was entitled to commendation and the approval of the community.

Senator O'Connor.—We do not mean to have it inferred that we approve at all of the act itself.

Mr. Goff.—Certainly not.

Chairman Lexow.—The act of coming forward and testifying we mean.

Q. Had you been aware of the formal expression of the committee of the Senate of this State, superintendent, would you have called this matter to the attention of the police board? A. I would have called the attention of the police board to it, I wouldn't have recommended his suspension.

Q. Understanding now and knowing now the official and formal expression of the committee of the Senate upon this subject, can you state to this committee if you are disposed to see that the punishment so far inflicted upon Captain Creeden shall be reconsidered so far as you are concerned? A. Do you mean so far as the suspension is concerned?

Q. Yes. A. After what has been read to me as the expression of the committee I shall gladly do it.

Q. Will you take the earliest opportunity afforded you to do so? A. Yes.

Q. Superintendent Byrnes, is Captain Creeden a good officer to a police officer? A. He is an excellent officer; that is, I always found him so.

Q. And up to this time there was nothing against his efficiency, or competency as a police captain? A. Not anything to my knowledge, sir.

Q. So, that outside of this matter occurring before this committee, there is nothing to your knowledge to be brought against Captain Creeden? A. Nothing; no, sir.

Q. Then, superintendent, do you say to this committee that you will at the earliest opportunity, in your official capacity, as superintendent, bring the matter before the board of police commissioners, reciting to them what has taken place here, and the committee will furnish you with an official and correct transcript of its expression—that you will do all that lies in your power to have the action of to-day reconsidered of the suspension of Captain Creeden? A. Under those circumstances, I will be very glad to do it.

William J. Mooney, called by the State as a witness, was duly sworn.

Chairman Lexow.—You are excused until the adjourned day. When the committee adjourns it will adjourn over until next Tuesday morning at half-past 10 o'clock. The committee took this adjournment on their own responsibility, not carrying on the investigation on Monday, knowing how difficult it is for counsel to prepare the necessary work in order to examine these witnesses. It has been a matter of surprise to committee as it is that Mr. Goff has been able to command the time and do the work that he has done in the way of preparation. The work that Mr. Goff has done here has been marvelous, in view of the short time that he has had to prepare for the examination of important witnesses involving detail that everybody has listened to here with surprise. And we want Mr. Goff to accept our acknowledgments of that fact, and our appreciation of the service which he has rendered, which, as I stated before, is simply marvelous under the circumstances. It is only proper for the committee to state that naturally the associates of Mr. Goff have had a considerable hand in the working out of those details and that they also are entitled

to commendation and approval and acknowledgment on the part of the committee for their services.

The witnesses will attend here at half-past 10 o'clock on Tuesday morning next. The committee will stand adjourned until that time.

Proceedings of the sixty-seventh session of the committee of the Senate of the State of New York, to whom was assigned the investigation into the conduct of the police department of the city of New York, held in the Superior Court-room, Part I, in the city of New York, on Tuesday, December 18, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, Cuthbert W. Pound, Daniel Bradley, Jacob A. Cantor, and George W. Robertson. John W. Goff, Frank Moss, and W. Travers Jerome, of counsel for the committee.

Chairman Lexow.—Mr. Stenographer, will you take down the following statement, and Mr. Goff, this committee has been notified this morning by the president of the police board that the action taken last Friday, suspending Captain Creeden from his duty as a police captain, has been rescinded. It is true that the rescission is a temporary reinstatement of the captain, and it will be for the committee to make hereafter such suggestions upon that subject farther as they may deem proper. I would say in this connection that the action on the part of the police department is commendable and proper. It seems to have been overlooked that the testimony and proceedings of this committee are privileged; that all communications made here are privileged communications; that while bowing to public judgment, we have preferred to hold public session instead of private session; that that does not alter the privileged character of the testimony taken here; that inasmuch as the board founded its rule of suspension entirely upon the testimony taken here, and upon the confession of Captain Creeden, both of which are privileged, the one privileged as regards legislative privileges of the Senate, the other privileged as regards the privilege of the witness himself; there was no foundation for the action of the police commissioners; it was in fact as though no testimony had been taken here, as though no confession had been made by Captain Creeden, and, therefore,

there was no foundation upon which the police commissioners could act in dispensing with the services of Captain Creeden; and it is my judgment, and I believe it is unquestionably the law, that any unauthorized use of the testimony taken before this committee for the purpose of embarrassing, hampering or impeding the investigation which the committee is now making, or for the purpose of jeopardizing the witness who makes the confession or statement, is a breach of the privileges, and a contempt of the Senate of this State. It was, therefore, entirely proper that inasmuch as the action of the commissioners was based entirely upon privileged communications, and we had, as we did, notified the department that we would consider that testimony of the highest privilege, and that the captain would not be prosecuted or proceeded against upon that testimony; that their action was commendable in reinstating the captain.

Mr. Goff.—It may be proper to add in that connection, Mr. Chairman, that by the action of this committee, and its expression through counsel, Captain Creeden could by no reasonable man be held as guilty of the act which he had committed in purchasing his captainship, and nothing but a willful perversion of the moral sense could cause any man to think otherwise than that the action of this committee in suggesting to the captain its expression through counsel was that by reason of that very privileged communication, and the law which protected that privileged communication he should not be disturbed in his occupancy; and it may be further considered here as a fit subject for consideration, subsequent to our sessions at any time while this committee remains in session. I do not lay this down as a rule of positive law; but I do say that it is well worthy of consideration that, inasmuch as the law of this State says that no prosecution shall be commenced against any person for such testimony given before this committee—I say it is a grave question for any authority to consider whether or no it would not be not only a contempt of this committee but an indictable offense to prosecute any witness that has testified before this committee for the acts which he has testified before this committee; because, why the law positively says there shall be no prosecution, and any authority that initiates or commences a prosecution in the face of the positive mandate of the law, it is, as I say, a grave question worthy of consideration.

Chairman Lexow.—And while we could waive in the legislative committee, we had no right to waive any privilege belonging to the witness under the law.

Mr. Goff.—Both the organic lay and statute law of this State.

Senator O'Connor.—As a matter of fact, the police commissioners have nothing whatever to do with, and had no business to act in regard to Captain Creeden, as far as he testified before this committee. The fact that he himself has testified precludes them from taking testimony on their part in regard to that same transaction. The law grants him that immunity.

Chairman Lexow.—I think this committee has a perfect right to go further than that, and it would be consistent, and that is that this entire inquiry being privileged, that all testimony, and all the proceedings here, are privileged, and that any of them unauthorized by the committee, except for the legislative purpose of serving as a foundation for remedial legislation, would be a contempt of that body that we represent.

Mr. Goff.—Precisely; and as it has been held lately in this State, and by a parity of reasoning the principle absolutely applicable to the case here, that where a person is subpoenaed before a grand jury that that very subpoena and that very testimony is an absolute bar to all criminal transactions against that person so subpoenaed for anything in relation to the matter which he testified to before the grand jury. As I say, by a parity of reasoning, it is absolutely on all fours with our case. Certainly where the law protects a person under process of subpoena before the grand jury from being indicted or prosecuted the law is not going to make a discrimination of a witness subpoenaed before this committee, even without the protections and privileges conferred upon a witness.

Chairman Lexow.—You mean a witness subpoenaed before a grand jury cannot be questioned as to the question given to him there; but the fact of the service of a subpoena upon him to attend before the grand jury would not bar an indictment against him, or prosecution against him.

Mr. Goff.—The subpoena bringing him there as a witness. What I mean to say is that a person who is subpoenaed before a grand jury, and who testifies before a grand jury, that he is absolutely protected from indictment in relation to the subject-matter on which he testified; not that he will not be questioned; but a person that is brought before a grand jury as a witness,

and examined before the grand jury as a witness is absolutely protected from an indictment. The last decision of the courts by his Honor Judge Bartlett in the second district in the case of Singer, reported in Abbott's Practice.

Senator Cantor.—It is a recent case?

Mr. Goff.—A comparatively recent case.

Senator O'Connor.—What is it based upon? On the statute or common law.

Mr. Goff.—On the Constitution; that no person shall be compelled to testify against himself; and if he, in obedience to a process of the court does testify against himself that is an absolute bar according to the latest case.

Senator O'Connor.—That held he is not obliged to decline on the ground that it will criminate; but if he does answer he is entitled to the constitutional right of protection?

Mr. Goff.—Yes, sir; that the witness could refuse to answer the questions on the legal ground that the answers would tend to criminate or on the ground that it would convict him of a crime; but if he answers under the compulsion of a subpoena before the grand jury, if he answers the questions before the grand jury, he is absolutely barred; and the recent case, which was possibly the last decision written by the late Mr. Justice Blatchford in the Supreme Court of the United States, one of our ablest constitutional judges, in the Councilman case—that was a case where the Chicago board of trade or stock exchange was brought before the grand jury, relating to the freight charges under the Interstate Commerce Law. Mr. Councilman was brought before the grand jury and he was questioned, and then he was indicted. That case was taken up to the Supreme Court of the United States, and the united court of the Supreme Court of the United States, in the most elaborate decision, and possibly the most learned that was ever delivered by that learned jurist, Mr. Justice Blatchford, reviewing the Constitution of all the States of the Union, except the ones lately admitted to the Union, criticised if not reversed the constitutional provisions of 13 of the States of the Union, and laying it down as the fundamental law of the United States, notwithstanding any provision in any State Constitution to the contrary—laying it down as the fundamental law that no person can be compelled to testify against himself in any proceeding

or in any court; and that if under compulsory process before any body that person testifies, he is absolutely barred and protected from indictment or prosecution therefor. That is the law of this country; and the language commented upon by Justice Blatchford, the language of the Constitution of the United States, is almost similar, word for word, with the language of the Constitution of our State of New York.

Senator O'Connor.—Then we claim it is a privilege under the provisions of the United States Constitution.

Mr. Goff.—Precisely; that is the organic law of this country.

Senator O'Connor.—Does the Constitution extend those privileges to any person not charged with the breaking of the laws of the United States.

Mr. Goff.—It does not matter. That is a privilege granted to every citizen of the United States, wherever he resided within the United States, within the barriers of the United States; and, Senators, even the Supreme Court of the United States in that case of Councilerman decided that though there were provisions in the Constitution of several States permitting a person to be prosecuted, those provisions were unconstitutional.

Senator O'Connor.—Where is that report?

Mr. Goff.—You will find it in one of the last numbers of the United States reports.

Senator Pound.—In the Councilmen case, Councilerman refused to answer the questions before the grand jury; and there was a statute—is that not so—there was a statute of the United States which said that he could not plead the privilege, but would have to answer the questions, and his answers could not be used in evidence against him; and he, notwithstanding, refused to answer the questions; and the Supreme Court of the United States held that that statute was in perversion of the Constitution, and he could not be compelled to answer.

Mr. Goff.—Precisely. So it brought up the same question, and the force of the proposition was true that if he did answer he could not be prosecuted for the answers he gave.

Senator Pound.—Certainly he was protected by the statute in that case.

Mr. Goff.—The latest and most authoritative case is the Sharpe case, and that case was reversed by the Court of Appeals because that principle was violated in which the answers Sharpe

made before the Senate committee were used against him on the trial of his indictment for bribery.

Senator O'Connor.—The question is, whether he, having been compelled to disclose anything, could be prosecuted for the offense.

Mr. Goff.—That is the point in the Sharpe case.

Senator O'Connor.—Our Court of Appeals held the evidence was improperly used against him.

Chairman Lexow.—That is all, I believe; that that question may not be used against him on the question of guilt.

Senator Pound.—He having appeared before the Senate committee and stated he received a bribe, that was an absolute bar against his prosecution.

Mr. Goff.—Precisely.

Senator O'Connor.—In Creeden's case he stands as though no evidence was given against him; the board's suspension was contrary to law.

Senator Pound.—And any case civil or criminal against Creeden is barred, whether it is based on his testimony or the testimony of other witnesses.

Mr. Goff.—In addition to that I throw out this suggestion, and I repeat it, that inasmuch as we not only have the positive mandate of the Constitution and statute of law, but the opinions of the highest court in this State and the United States, it is a grave question for the board of police, or any other board to consider whether or no they would not be guilty of oppression, which is an indictable offense.

Chairman Lexow.—And contempt of the Senate would be a violation of law, and would be an indictable offense.

Mr. Goff.—Even the act of oppression at common law would of itself be an indictable offense—an oppression in the face of this positive law; and the word "prosecution" there must be taken in its broadest sense, because the Supreme Court of the United States says: "Protection and immunity from prosecution and persecution."

Chairman Lexow.—It is only fair to the police commissioners to say that when they suspended Captain Creeden they had no knowledge that this committee had thrown its protection around Captain Creeden, and that as soon as they discovered that fact they rescinded their action; that is, three of them did.

Mr. Goff.—They acted on rumor.

Chairman Lexow.—They ought to know under the law that Captain Creeden having become a witness before the Senate committee their power was precluded from prosecuting him for evidence given by him.

Mr. Goff.—They have not been so willing in other cases to act on the testimony taken before the committee.

Senator Bradley.—They are lawyers?

Mr. Goff.—Some of them are.

Senator Bradley.—Lawyers are supposed to act under the law.

Senator O'Connor.—They illegally suspended Captain Creeden.

Chairman Lexow.—One of the lawyers on that board still insists on maintaining the suspension, so far as his vote will maintain it.

Mr. Goff.—That is a proof that lawyers do not know the law, if he be a sample lawyer. By the way the opinion of that particular lawyer is of great value, particularly when we consider that he himself is under indictment for an act of contempt against this committee.

Chairman Lexow.—And especially because he laid his judgment, I believe, upon three allegations of perjury, every one of which if committed at all was committed in the proceedings had before this committee, over which we have exclusive jurisdiction.

Senator Pound.—The first perjury was when he took the oath of office.

Senator O'Connor.—Nevertheless it is connected, it is relevant to his testimony.

Senator Bradley.—I am not a lawyer but I see one point that the commissioner raised there that is a pertinent one. The principal point he had in voting to suspend Captain Creeden, was that Captain Creeden had raised more money than his salary, had paid for the \$15,000 out of his \$2,750 inside of two years, and he would like to know where he got it.

Mr. Goff.—We would like to know why he did not answer that question when he was on the witness stand, Mr. Senator.

Senator Bradley.—That was the point I thought of raising, but I thought I would let you do that.

Chairman Lexow.—That contention was based entirely upon rumor, because there was no testimony before this committee of that character.

Mr. Goff.—Now, I have a letter Mr. Senator, which I think it but proper to place the substance of it, or a memorandum,

on this record. Harry Hill writes to me to say that in giving his testimony before this committee he mentioned the name of Governor Shepard as being in a disorderly-house on Lexington or Madison avenue one night when that disorderly-house was raided. He states that he only mentioned the name as a matter of rumor; that he had no positive knowledge that Governor Shepard was in the house on that night. As a matter of justice he asks to have his testimony referred to on that point; and as a matter of justice, which this committee has always recognized, that wherever the name of any man has been improvidently used or referred to, without good legal evidence to protect and substantiate that testimony, this committee has always been ready to give correction, or an opportunity for correction. Our purpose is not to smirch men's names unjustifiably and without legal evidence.

Chairman Lexow.—I have read the testimony and the portions referred to entirely through, and it is entirely hearsay and entirely irrelevant to the testimony of this committee.

Mr. Goff.—I move to have it expunged from this record.

Chairman Lexow.—It is unanimously decided by the committee to expunge all reference to Governor Shepard in the testimony. It is understood, Mr. Goff, that this testimony does not affect the police department, directly or indirectly.

Mr. Goff.—No, sir.

Chairman Lexow.—It does not touch upon any question affecting the police department, directly or indirectly.

Mr. Goff.—No, sir; it was not in answer to any question asked of the witness.

Chairman Lexow.—And, therefore, entirely redundant.

Mr. Goff.—Is Captain Strauss in court?

Chairman Lexow.—Is Captain Strauss in court? (A voice responds, "He is outside.")

Chairman Lexow.—I saw the captain a moment ago.

William Strauss, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. Captain, I want to ask you a few questions this morning; what is your wife's name? A. Barbara.

Q. Have you any bank account, captain? A. I have not.

Q. You have not? A. No, sir.

Q. Had you any? A. No, sir.

Q. Did you ever have any bank account? A. Never did.

Q. Raise your voice a little louder, captain? A. I have not.

By Chairman Lexow:

Q. And never have had any? A. Well, I had a small account in the Bowery Savings Bank some time ago.

By Mr. Goff:

Q. What bank had you a small account in? A. In the Bowery Savings Bank.

Q. How long ago? A. About—I have got it there yet, I believe; about seven or eight years ago, I think.

Q. You have got a book yet? A. Yes, sir.

Q. You have got a pass-book? A. Yes, sir.

Q. Has your wife any bank account? A. No, sir.

Q. Have you any account in banks of deposit? A. No, sir.

Q. Have you the certificates of trust companies? A. I have not.

Q. Have you a key of a safe deposit box? A. No, sir.

Q. Has your wife any? A. No, sir.

Q. Has your wife any certificates of trust companies? A. No, sir.

Q. Do you hold any bonds or mortgages? A. I do not.

Q. Does your wife hold any bonds or mortgages? A. No.

Q. Or any of your relatives? A. No, sir.

Q. Any of your relatives? A. No, sir.

Q. Or any of your wife's relatives, to your knowledge? A. No, sir.

Q. Has your wife any savings bank account? A. She has not.

Q. Or any deposit bank account? A. No, sir.

Q. Did she ever have? A. She never did have.

Q. Is there any real estate in your wife's name? A. No, sir.

Q. Did she ever have any real estate? A. No, sir.

Q. Has she any mortgages? A. No.

Q. How old is your eldest child? A. Twenty-four years old.

Q. Beg pardon? A. Twenty-four.

Q. Man or woman? A. Sir?

Q. Man or woman? A. Man.

Q. What is his name? A. Martin.

Q. Where is he employed? A. He is employed in Butler Bros., on Broadway.

Q. What business? A. Notions.

Q. Where is your residence? A. One hundred and sixty East Seventieth street.

Q. Your wife there? A. Yes, sir.

Q. There now? A. Yes, sir.

Q. She, of course, is prepared to attend this committee under subpoena? A. Sir?

Q. She is prepared to attend this committee under subpoena? A. I suppose so.

Mr. Goff.—Well, captain, we will excuse you. We have got other matters. We would like the attendance of Mrs. Strauss here.

Chairman Lexow.—What time?

Mr. Goff.—After recess.

Chairman Lexow.—Half-past 2 o'clock.

Mr. Goff.—You had better not leave the court-room; we might want you for other purposes.

Chairman Lexow.—You had better stay here, captain, and see that Mrs. Strauss is in attendance at half-past 2.

Mr. Goff.—Mr. Reppenhagen!

John Reppenhagen, recalled, being further examined, testified as follows:

By Mr. Goff:

Q. Now, Mr. Reppenhagen, we reach the point on Friday evening, of your second visit to Mr. Martin, or of Mr. Martin's visit to you, immediately before the appointment of Captain Creeden; now, I wish to proceed as rapidly as possible; from whom did you first learn that Captain Creeden was appointed? A. I think I learned it in the station-house from the sergeant.

Q. I understand that Mr. Martin was in the room when Mr. Creeden was sworn in? A. I did not say that.

Q. Didn't you testify, Friday evening, that Mr. Martin was there? A. Mr. Martin was in Mr. Voorhis' room when we came down after being sworn in.

Q. Was it after his being sworn in? A. After; yes; I met the captain upstairs in the clerk's office.

Q. As a matter of fact, you saw him before Captain Creeden was sworn in; you saw Martin? A. Yes; in the afternoon.

Q. And, so far as you know, he continued all the time there in Commissioner Voorhis' office; he remained there? A. As far as I know; I could not say; I met him there in the afternoon.

Q. What time intervened from the occasion when you first saw him on that day until the second occasion when you saw him after Captain Creeden was sworn in? A. I guess it was around about 11 o'clock.

Q. When you saw him first? A. Yes, sir.

Q. And when did you see him the second time? A. I think it was around about 4 or half-past 4 o'clock.

Q. In the afternoon? A. Yes, sir.

Q. After the appointment of Captain Creeden when next did you see Martin? A. About 9 o'clock in the evening.

Q. At your place? A. Yes.

Q. You have a little room there in your place; have you not? A. Yes.

Q. Mr. Martin go into that room? A. Not that time; no, sir.

Q. Did you have a conversation with Mr. Martin that night? A. Yes.

Q. Give us the whole of that conversation as nearly as you can recollect it? A. He told me he thought he was bilked; he would not get the money; that we would not get the money.

By Chairman Lexow:

Q. Did he use that expression "bilked?" A. Yes.

By Mr. Goff:

Q. What did you say to him? A. I did not think so; I thought we were dealing with honest people.

Q. You had told him before that that the money was already in the bank? A. Yes, sir.

Q. In Mr. Snell's name? A. Certainly.

Q. What further conversation took place this evening? A. Well, no further, only I told him that I was sure the money was all right.

Q. That was on the evening of January 12? A. The night he was appointed; yes, sir.

Q. Well, what arrangement was made, if any, between yourself and Martin as to the payment of this money? A. Well, he was to get all the money of course.

Q. But on that evening, January 12, was any date fixed? A. No, sir; no special date; but the money should be paid right off as soon as Creeden was appointed.

Q. He had been appointed on January 12? A. Yes.

Q. I am asking on the night of January 12, what arrangement, if any, was entered into between yourself and Martin as to the time or place of paying over this money? A. I told him I would see Snell about it.

Q. Let him know? A. Yes, sir.

Q. Did you see Snell? A. I did.

Q. You have testified to that? A. Yes, sir.

Q. And after some talk being found on account of the precinct to which Captain Creeden had been assigned Snell paid over the money? A. After they had the meeting on Saturday night.

Q. Did you notify Martin when Snell was to pay over the money? A. He was over there that Saturday night, and I showed him the check, that I had the check.

Q. You had already obtained the check? A. Yes, sir.

Q. You obtained an order from Mr. O'Rourke to get this money; did you not? A. No, sir.

Q. How did you get it from Snell? A. Snell turned it over to me after he got the order from O'Rourke.

Q. He got the order and you did not get the order? A. No, sir.

Q. You knew the order had been sent? A. Yes—well, I didn't go to Snell; Snell came to me and brought the check to my place.

Chairman Lexow.—Speak up.

The Witness.—I say he brought the check into my place.

Q. That very night Martin visited your place? A. Yes.

Q. And you showed him the check? A. Yes.

Q. Made to your order? A. Yes, sir.

Q. And the next day—that was on the 18th, according to your own bank account, you deposited that check in the Bowery Bank? A. I think it was the second day; Sunday intervened, I think.

Q. No; I say the 18th; that is the date of the deposit? A. Oh, is it the 18th?

Q. Yes, January 18th. A. Yes, that is right, Sunday intervened; it was Saturday night.

Q. That would be the 16th? A. Yes, sir.

Q. See if that is the date there (showing witness check-book)? A. Eighteenth; yes, sir.

Q. Now, there is some mention there of \$15,100? A. Yes, sir.

Q. That \$100 I presume you added of your own money? A. Yes, sir.

Q. After you deposited this money on January 18th, when next did you see Martin? A. I think I seen him on Saturday night, the next Saturday night.

Q. Did the money remain in your hands? A. Yes, sir.

Q. In your bank? A. Yes, sir.

Q. Did you draw out any of that money? A. I did.

Q. From the time you deposited it until you saw Martin? A. Yes, sir.

Q. How much did you draw? A. I could not testify to that.

Q. But you had a running account in that bank? A. Yes, sir.

Q. And you drew in general? A. Yes, sir.

Q. For your own private expenses? A. Yes.

Q. I find on the same date that the check was deposited you drew a check of \$187.50 in favor of James M. Jackson? A. Yes.

Q. For rent 188 Chrystie street; that was your own money? A. Yes, sir.

Q. That had nothing to do with the \$15,000; you next, on the same date, drew a check payable to the Equitable Gas Company? A. Yes, sir.

Q. For \$5.63; that was your own money, and of course for your own private purpose? A. Well, it was my own money after Mr. Martin told me I could have \$5,000 of the \$15,000.

Q. When did he tell you that? A. That Saturday night, when I showed him the check.

Q. Did he tell you that of his own motion? A. Yes; I never expected a cent out of the money on the start.

Q. He said you could have \$5,000 of that money? A. Yes, sir.

Q. Was there anything said between you at all about the division? A. No, sir; not at all; never.

By Chairman Lexow:

Q. Didn't it strike you as strange, in view of the fact, that you knew that Sergeant Wiegand, or had been told, that Sergeant Wiegand was going to put up \$12,000, that you should be authorized by Martin to retain \$5,000 which would diminish the fund paid to Martin by \$2,000, less than that paid by Sergeant Wiegand; how do you account for that? A. I could not account for that.

By Mr. Goff:

Q. But since you knew, Mr. Reppenhagen, that this \$15,000 was to go to police headquarters, to obtain the appointment of Captain Creeden, was it not strange to you that Mr. Martin of his own motion to volunteer to give you \$5,000 out of this money? A. I thought so myself at the time, yes.

Q. Did you offer any objections to receiving it? A. No, sir.

Q. You have testified here that you knew this \$15,000 was to be used as a bribe to obtain the appointment of Captain Creeden; how did you come to accept \$5,000 of the bribe, one-third of the whole sum of the bribe? A. I told Mr. Martin that it was worth \$15,000, that Creeden would put up \$15,000 if he was appointed, and the money would be put up in two days if it could be done.

Q. I know, but you have stated that when that money was put up, and you told Martin that \$15,000 would be put up, that you had no hope of getting a cent of it, and no idea in your mind of getting a portion of it; is that so? A. Not at that time.

Q. When did the first thought come into your mind that you were to get a portion of it? A. Not until after he was appointed and a check was received by me.

Q. And the first time that a suggestion came to your mind that you were to get a portion of that money was when Mr. Martin himself proposed you should get \$5,000? A. Yes, sir.

Q. How did you feel in taking \$5,000 as a bribe? A. Well, I did not think anything of it at the time.

Q. But you knew this money was put up as a bribe and you were going to participate in the bribery in accepting one-third of the whole sum put up as a bribe? A. I got that share out of it; he gave me that out of it.

Q. You knew that; did you not? A. I know that; yes, sir.

Q. And you knew then that Captain Creeden, or his friends, were, in fact, bribing you to use your influence to obtain his appointment; didn't you? A. Yes.

Q. You say Martin at that time was deputy clerk of the Senate? A. Yes, sir.

Q. Had he any other business, to your knowledge? A. No, sir; not to my knowledge.

Q. How soon after did he go into the liquor business? A. I could not tell you that exactly.

Q. You know he did go into the liquor business? A. Yes, sir.

Q. He had never been in the liquor business before, had he?
A. Not to my knowledge.

Q. When you drew this \$9,950 from the bank, why did you not pay it to Martin by your check; give him your check for it; I see there is a blank stub here for that \$9,950; why didn't you give him your check? A. Well, I went to the bank directly with him, and I drew the money on my own order and gave it to him.

Q. Was that on his own request you went to the bank and gave him the money? A. Yes; to come with me.

Q. And the check was payable to your own order? A. Yes, sir.

Q. And you indorsed the check on the bank? A. Yes.

Q. Was that on the request of Martin, that you should do that?
A. Yes, sir.

Q. Did you first propose to give him your check, payable to his order? A. Yes.

Q. What did he say when you proposed that? A. He said, "You better go to the bank with me and draw it right out."

Q. Go and get the money? A. Yes, sir.

Q. You got the bills in large denomination, didn't you — in very large? A. Yes; he wanted them large.

Q. A thousand dollars? A. One thousand-dollar-bills, I think they were.

Q. Give us all the conversation that took place between yourself and Martin at the bank, when you delivered that money to him? A. I took the money to the cashier, and I handed it to him, and he counted it, and says he, "That is all right;" and he went outside with me, and met me, and said he was going to the safe deposit company and deposit it in the vault.

Q. Anything said about his dividing that sum of money with any one? A. No, sir.

Q. Did you ever have any talk with him after that? A. I hadn't.

Q. About that sum of money? A. Not about the money.

Q. You heard rumors of how Captain Creeden obtained his appointment; did you not? A. Yes.

Q. Captain Creeden has testified that Commissioner Voorhis met him one day on Broadway, after his appointment, and told him that he heard that he had put up money to secure his appointment; you have heard that testimony? A. I heard it from Captain Creeden; yes, sir.

Q. Did you ever hear that before? A. No, sir.

Q. Did you ever have any talk with Martin about those rumors? A. No.

Q. Touching the appointment? A. No, sir; in fact after he got the liquor store, I had not met him frequently.

Q. Then, you do remember, that he got a liquor store? A. Yes, sir.

Q. And what time was that after; how long a time after? A. Well, I guess it must have been two or three months after.

Q. He bought out a liquor store? A. I think it was before the Senate adjourned; but I wouldn't be positive of that.

Q. Did you see him in the meantime? A. No, sir.

Q. And the \$5,000 that you got out of that money you used for your own private purposes? A. Yes, sir.

Q. You invested it in — now I ask you what did you do with that \$5,000 that you got out of it? A. I paid it out for different debts I owed there.

Q. Paid it out in debts; but you were not more deeply in debt then than you had been before that; were you? A. What I owed.

Q. Yes; I know; but you were not any more embarrassed than you had been a month previous to that? A. No, sir.

Q. You were getting along in that liquor store, doing a fair business, and making a fair living? A. Yes, sir.

Q. And how long had you been in the liquor business before that? A. Five years.

Q. And you never had any judgments against you? A. No; it was not five years; since 1888 I am in business.

Q. Whatever time, you were able to get along and support your family? A. Yes, sir.

Q. And you had no pressing debts then upon you any more than at any other time? A. I had some; yes, sir.

Q. What pressing debts had you? A. Several liquor bills I owed there.

Q. You owned some real estate? A. Yes, sir.

Q. Did you not? A. Yes, sir.

Q. And was that the house 317 East Seventy-fourth street? A. Yes, sir.

Q. Well, how much of a mortgage was on that house at the time you got this? A. Thirteen thousand five hundred dollars.

Q. By mortgage? A. Yes, sir.)

Q. Didn't you use that \$5,000 to pay off a portion of that mortgage? A. No, sir.

Q. Not a cent of it? A. No, sir.

Q. Is that mortgage on yet? A. Yes, sir.

Q. What was the equity of that house, what was it worth? A. I gave \$20,000 for it.

Q. Twenty thousand dollars, so we will say the equity is about \$7,000 in that house? A. Yes, sir.

Q. Any debts you owed at that time you were perfectly able to pay; were you not? A. Yes.

Q. Who is Con Sheehan? A. He is a policeman.

Q. Where does he do duty? A. He has done duty in our precinct.

Q. What did you give him \$250 for? A. I lent it to him.

Q. Lent it to him? A. Yes.

Q. Was that at the time of his appointment? A. Oh, no.

Q. What did you lend this policeman \$250 for? A. He wanted to use it.

Q. To use it for what purpose? A. That I don't know, sir.

Q. Did you give him your check? A. I could not say; if I loaned it to him or not; if I loaned it to him I gave it to him by check I guess.

Q. Was he on duty in your neighborhood? A. Yes, sir.

Q. Did he ever pay you? A. Yes, sir.

Q. When? A. Sometime after.

Q. How did he pay you? A. In money.

Q. Did you take a receipt from him when you loaned him this money? A. No, sir.

Q. Well, but you went to the bank to get any money? A. No.

Q. You drew a check to his order? A. That I don't know.

Q. But you did; your check book says so, "On Sheehan \$250;" didn't you go to the bank and draw the money and give it to him in the bank, the same as you did to Martin? A. That I can't remember.

Q. Any other policemen to whom you loaned \$250? A. No, sir.

By Chairman Lexow:

Q. Was Sheehan a policeman at the time you loaned him the money? A. Yes, sir.

Q. How long have you been a policeman? A. I guess four or five years.

By Mr. Goff:

Q. What has he done to you that caused you to make him this loan of \$250? A. I don't remember anything.

Q. Were you in the habit of loaning policemen \$250? A. Yes, sir; I have.

Q. What other policemen have you loaned \$250? A. I have loaned it to Captain Creeden.

Q. That is, outside of his appointment, outside of the money that was subscribed for his appointment? A. Three or four years before that.

Q. Any other policeman to whom you loaned money to? A. Five and \$10 I loaned them very often.

Q. You say very often; then it is a matter of common practice, is it, for a policeman to borrow \$5 or \$10 from you? A. Here and there; yes, sir.

Q. And isn't that well known as the custom among all the saloon-keepers in that neighborhood? A. I think it is.

Q. It is, yes; and it is well understood when policemen come in and borrow money from the saloon-keepers that they never pay that money back; that is a well understood thing? A. Well, I generally get mine back.

Q. Generally, but not always? A. Well, I would not always swear that I never got any back.

Q. Does it not come to this that police officers who borrow money from liquor dealers in that district are not going to be particular about the excise law; is that not well understood? A. That is about it.

Q. Now I would like to know the particulars about this Sheehan loan, it being such a large sum—\$250; I would like to know something more about that; can't you tell us a little more about it? A. I can't at present.

Q. Was he an applicant for position of roundsman at the time? A. No, sir.

Q. Did he tell you what he wanted this large sum of \$250 for? A. No, sir; I don't remember him.

Q. You must have been pretty intimate with this man to loan him \$250 when you had debts outstanding; there must have

been some cause? A. I don't remember the circumstance, Mr. Goff.

Q. Was he one of the wardman at that time? A. No, sir.

Q. Doing duty on special designation, was he? A. No, sir; I could not.

Q. Plain patrolman? A. I think he always was policeman.

Q. We found the date of that was December 3, 1891, that you loaned Sheehan \$250, and there are but very few checks drawn by you during 1891, so far as your check-book shows; there seems to have been—who is Ernest Friede? A. Ernest Friede used to keep a saloon 185 Chrystie street, a concert hall.

Q. Now I find here check of December 1st, to Con Sheehan, \$250, a check of December 4th to Ernest Friede for \$250, these two sums; who is Moritz Brockman? A. He kept a place in the Bowery at that time.

Q. You gave him a check on December 16th, for \$100? A. Yes, sir.

Q. What did you give the check to Friede for \$250 for? A. I loaned it to him.

Q. What for? A. I loaned it to him; he gave me a note on it; I have not got the money yet.

Q. You have got the note yet? A. I think I have, yes.

Q. What did you give the check to Moritz Brockman for? A. I loaned it to him in cash.

Q. So that these three checks on December 1, 1891, to Con Sheehan, cash \$250; December 4, 1891, Ernest Friede, cash \$250; and December 16, 1891, Moritz Brockman, cash \$100; those are the only checks in that book here around that time that the word "cash" is mentioned; now I want to ask you, is it not a fact that the liquor dealers of that precinct were being assessed every Christmas to subscribe money to make a present to the captain of the precinct? A. Yes, sir.

Q. And were not these payments the way in which you made your subscription to that Christmas present; is that not what these payments were for? A. No, sir; they were not.

Q. Do you mean to say that your payment to Friede was not for the purpose of making the Christmas present? A. No, sir; not to Friede.

Q. Nor to Sheehan? A. No.

Q. Or to Brockman? A. No, sir.

Q. To whom did you pay the money; to whom did you pay the money for the Christmas present for the captain? A. I don't remember ever paying him.

Q. Did you ever attend a meeting in the Atlantic Garden? A. No, sir.

Q. Or in the Pacific Garden, next to the Atlantic Garden? A. No, sir.

Q. You were a partner of George Hall; were you not? A. Yes.

Q. Did you ever know that George Hall presided at a meeting of the liquor dealers of that precinct at the Volks Garden? A. I think so; yes, sir.

Q. And that the meeting was for the purpose of getting up a Christmas present for the captain; was it not? A. I believe so.

Q. And that the truth of the matter is that that was done every year; was it not? A. Not with me it was not.

Q. How many times have you paid? A. I paid only once.

Q. How much did you pay once? A. Fifty dollars.

Q. What captain was in the precinct then? A. Cassidy.

Q. That is the man that is dead? A. Yes.

Q. But you do not know, as a matter of common knowledge and notoriety, in that precinct, that that has been the custom for years? A. Yes, sir.

Q. For the liquor dealers and keepers of houses in that precinct to subscribe every year for presents for the captains? A. Yes, sir.

Q. And that has continued right up to last Christmas? A. I have not paid any since 1891.

Q. You have not paid? A. No, sir.

Q. What captain was in in 1891? A. I guess it was Cassidy.

Q. Oh, no; Cassidy was dead before that? A. I guess not.

Q. Oh, yes, he was; Cassidy died before 1891; it was Devery in the precinct then — McLaughlin? A. Eighteen hundred and ninety-one, Cassidy must have been there.

Q. I think you are mistaken.

By Chairman Lexow:

Q. And you have not paid since? A. No, sir.

Q. Was it because your political influence in that district was increased so largely, that you were able to overcome the necessity of making any payments? A. Well, I was not asked for it.

Q. You had in the meanwhile become a prominent district leader; had you not? A. If you take it in that sense.

Q. You were not prominent before 1891, were you, not in the same sense that you were prominent after 1891? A. That is right.

Q. That is right; is it not? A. Yes.

By Mr. Goff:

Q. Now, as a matter of fact, it was Captain McLaughlin who was in the precinct at that time, according to the records? A. McLaughlin?

Q. He was there before Devery; don't you remember? A. Yes; I know.

Q. And he went into the precinct immediately after Cassidy's death? A. Yes.

Q. Now, the chairman asked you—I did not get your answer in regard to your political influence—if you were exempted from annual payment by the reason of your political influence? A. I don't know; I was not asked; that is all.

Chairman Lexow.—He said that that was a fact, however, that his prominence in political circles made it unnecessary for him to contribute from that time on.

Q. That was what I wanted to get at; but it has been for years a matter of common notoriety in your precinct, and common knowledge, that every Christmas was contributed, the money was contributed, by the saloon keepers and keepers of disorderly-houses, etc., to give a present to the captain? A. Yes, sir.

Q. Did you ever hear the amount of money contributed on those occasions? A. No, sir.

Q. Oh, yes you did; don't you remember George Hall telling you? A. Oh, that year; that was in 1888.

Q. What was the amount that he told you then? A. We contributed \$100 between us as partners.

Q. What was the amount of the whole sum as contributed? A. I never heard that.

Q. Did you ever hear that \$7,000 or \$8,000 was contributed? A. I never heard that.

Q. Don't you know there was \$7,000 or \$8,000? A. There were big sums, but I don't know the amount.

Q. Don't you know that every year when you contributed \$100 — you knew Bill Hanson, did you not? A. Yes.

Q. Don't you remember at that time Hanson sent \$50 to the fund and that the \$50 was returned to him on the ground that the man who ran a pool-room, and gambling, and a house of ill-fame should subscribe more than \$50; do you remember hearing about that; there was great trouble about it? A. No, sir; I did not.

Q. Don't you know that George Crouse, the man that went — there was a meeting and talked up in the meeting? A. I was not in the meeting.

Q. I am asking whether you did not know from your partner, George Hall? A. No, sir; he did not tell me about it.

Q. And George Hall used to go around with the policemen there and go in with the wardman? A. Yes.

Q. And make the collections in the place with the wardman? A. Yes, sir.

Q. George Hall was alderman? A. At one time.

Q. And a leader for Tammany Hall organization or that district? A. Yes.

Q. And that was known to everyone in that district that George Hall went around with the wardman and when he went into the various liquor stores and houses that the wardman would stand one side of the bar and George would go down to the lower end of the bar and get the money, did you know that? A. I did not.

Q. Don't you know your partner spent days and days in going around with the wardman to collect the subscriptions for the captain? A. That I don't know; I could not swear to that.

By Chairman Lexow:

Q. You said he did? A. I think he did.

By Mr. Goff:

Q. Was he an alderman at that time? A. No, sir.

Q. Before or afterward? A. He was before that.

Q. Now we find that from December 4, 1891, to January 18, 1892—I should say December 1, 1891—you drew five checks only, one to Sheehan for \$250, one to Friede for \$250, and one to Brenyes for whisky, \$25, one to Brenyes again for \$25 and one to Brockman for \$100; now on January 18, you drew a check to the receiver of taxes for \$160.50, a check to Jackson for rent of Chrystie street, \$187.50; the Equitable Gas Co., for \$5.63; to

Heathen, for liquors, \$55; to Miller, for cigars, \$55; to the Eagle Brewing Co., \$57; now, we find by computation that from December 1, to January 18, you drew checks aggregating \$650; on January 18, that is the day you deposited that check of \$15,000 you drew checks for \$491.63, the most of which if not all, appeared to be in your business — the \$491.63; so that it appears that you had money enough in your bank to pay your indebtedness, as you went along, as well as to loan money to three persons, Sheehan, Brockman and Friede; \$600 to three persons; since you were enabled to loan money to three persons in cash amounting to \$600, and to pay your debts of \$491.63, how is it that you had to draw upon this \$5,000 to pay your debts? A. Well, I did.

Q. Who did you pay? A. The checks will show for it.

Q. Can't you remember; were there any debts outstanding that you were unable to pay? A. I owed a whisky bill.

Q. But you have been paying whisky bills; now, were there any debts outstanding that you were not able to pay? A. Yes, sir.

Q. What debts? A. I owed the brewery.

Q. For how long? A. Over a year or more.

Q. Over a year; how much did you owe the brewery? A. Well, I paid them \$1,000, at that time.

Q. Did you pay anybody else? A. Yes.

Q. Out of that \$5,000, did you pay anybody else? A. Yes, sir.

Q. Who else? A. To liquor dealers.

Q. Well, I find a check here to the John Eichler Brewing Company for \$1,000; did that pay your indebtedness to the Brewing Company? A. Not all of it at that time; no.

Q. I find you loaned cash again on January 20th to Carl Stolpe — \$200 cash; what did you loan that for? A. I got a note for it; but I have not got it back yet either.

Q. This Moritz Brockman was a keeper of a house of ill-fame in Houston street at that time? A. No, sir.

Q. Are you sure? A. Yes, sir; Moritz Brockman, he kept a hotel, 33 Bowery.

Q. I find that on January 23d, you loaned Brockman again \$250 cash? A. That was on a note that I owed him.

Q. This Brockman has been indicted for election frauds? A. Lately, I suppose.

Q. And also for having kept a bed-house there; 33 Bowery was one of the most notorious places for the colonization of voters

in that whole election district; I want to know, Mr. Reppenhagen, what the relations are between yourself and this Moritz Brockman, that you loaned him cash, \$250, so frequently? A. Well, we exchanged notes with each other and deposited in the bank.

Q. You may make a mistake about that, you know? A. No, sir.

Q. I find again, Carl Stolpe, cash, \$200; how about that? A. I loaned it to him.

Q. Have you ever received any of the money for these loans that you have made? A. Some of it; yes.

Q. Did the policeman ever pay you? A. Yes.

Q. The whole of them? A. Yes, sir; well, the whole of them, I would not say; they might not; \$5 or \$10.

Q. Who is Charles P. Blake? A. He was the leader in the Fifth district.

Q. What? A. He was a leader of the Voorhis Democracy in the Fifth district.

Q. Who is Mr. Shickler? A. He is a liquor dealer.

Q. I see you make several checks payable to Charles P. Blake, the leader of the district; what were these — contributions? A. No, sir.

Q. What were they? A. The amount of the fund I held for the Voorhis Democracy.

Q. How did you come to hold the funds? A. I was the treasurer.

Q. What was his share? A. I don't remember what his share was.

Q. Was this the divide up between the leaders of the Democracy in that district? A. No, sir.

Q. How did you come to have a share? A. Because he paid into the organization.

Q. Was this a divvy of the balance? A. No, sir; it was not.

Q. How did it come to be divided that he should get a share? A. Because we were fired out of the organization.

Q. When you were fired out of the organization then each man got a portion of the fund? A. Well, the people that were fired out, yes, sir.

Q. Was Mr. Shickler a member of the executive committee? A. No, sir; he is a liquor dealer.

Q. I see that you pay him here a check of \$503.15 for whisky and vote? A. "And note," I guess.

Q. You did not write it? A. "And note," I guess.

Q. Look at it (showing witness book); I read that "Vote?" A. No; it is "Note;" it is meant for a "Note."

Q. It is written "Vote;" look at it again? A. It is not very plainly wrote.

Q. But don't you see; I do not know your private banking transactions, but don't you read that "Vote" yourself, as it is there? A. Well, that is an "N."

Q. That is you meant it for an "N?" A. I don't make my "Vs" that way.

Q. You don't make your "Vs" that way, but look at it (showing witness book)? A. It was written in a hurry.

Q. I was wondering, Mr. Reppenhagen, when I came across that item if the whisky and the vote went together, and how much would go for the whisky and how much for the vote. (The witness laughs, but does not answer.)

Q. Now while you were in the organization you sat in the same committee that Mr. Voorhis sat? A. Yes, sir.

Q. And that was called the executive committee? A. Yes, sir.

Q. And you were the leader of that district? A. Yes, sir.

Q. And in the executive committee it was, I suppose, as it is in all other similar organizations, frequently discussed about dividing the patronage, was it not? A. Not in the organization, no, sir.

Q. But in the executive sessions of this committee on organization? A. No, sir.

Q. Was it never spoken of? A. At one time it was.

Q. What occasion was that? A. I think that was the last time that I sat in the meeting.

Q. There were complaints made, were there, that there had not been a fair division of the patronage? A. Yes, sir.

Q. And all the patronage the organization hoped to get was the patronage given by Mr. Voorhis in the police department, was it not? A. Yes, sir.

Q. And the trouble was at that meeting that some districts complained they did not get as much as other districts? A. I don't know there was any complaint made.

Q. It was talked about, was it not? A. After the meeting was over probably.

Q. Was it not openly stated at that meeting, or at some meeting, that Mr. Martin had got the lion's share of the commissioner's patronage? A. Not in my presence; no, sir.

Q. Did you ever hear of that? A. I heard of it, yes.

Q. And you have testified that it was not understood throughout the organization that Mr. Martin was the direct man to deal with in order to get patronage from Commissioner Voorhis?

A. That is what I thought; yes, sir.

Q. That was the understanding and the knowledge, was it not? A. Not between ourselves.

By Chairman Lexow:

Q. That was the general belief of the whole organization? A. Yes, sir.

Q. That he was a dispenser of patronage and had everything in his hands? A. Yes, sir.

By Mr. Goff:

Q. And that is why you went to him in this Creeden matter? A. Yes, sir.

Q. You heard rumors you say that Captain Creeden had to pay for his appointment; these rumors were around the district; did you ever speak to Commissioner Voorhis about the rumor? A. No, sir.

Q. Did he ever say anything to you? A. No, sir.

Q. Read that for me (showing witness book)? A. That is one of those drop machines, nickel machines.

Q. How long had you one of those machines in your place? A. I guess I had them about six weeks.

Q. And you paid \$30 for the machine? A. Yes, sir.

Q. And you called it "fakir" machine? A. I did.

Q. That is what this check is for "fakir" machine? A. Yes, sir.

By Chairman Lexow:

Q. Is that the nickel in the slot? A. Yes, sir.

By Mr. Goff:

Q. You discovered that it was a fake? A. Yes, sir.

Q. I want to know something about these machines now; on what terms did you get that machine into your place? A. I paid cash for it.

Q. Did you buy it outright? A. I bought it outright; yes, sir.

Q. Did the police raise any question about your having that machine in your place? A. I was told to take it down and I took it down.

Q. Who told you? A. An officer on the beat came in and told me to take it off the bar.

Q. You had it on the bar? A. Yes, sir.

Q. It was one of these moveable ones? A. Yes.

Q. When you wrote this in your check-book "fakir" machine did you mean it was a fake upon you or upon your customers? A. I did not know what.

Q. Did it cheat you as the proprietor of the place? A. No, sir.

Q. It cheated the fellows that played? A. Generally, yes, sir.

Q. When the officer told you to take that off the bar, you took it off, didn't you? A. Yes, sir.

Q. How soon after did you put it back again? A. Never.

Q. What did you do with it? A. I got it in the place.

Q. You have got it in the place? A. Yes, sir.

Q. You did not keep it on the bar? A. I never put it on the bar afterward.

Q. Where do you keep it now? A. Standing under the bar.

Q. Is it used at all? A. Never.

By Chairman Lexow:

Q. Do you know whether it is the general custom in your business to make these loans—not in your particular business but in the business of those engaged in the same business to make these loans to policemen? A. That I can not say.

Q. Do you know it from rumor or custom? A. I have heard it.

Q. You have heard that those engaged in your business do the same as you did? A. I guess so.

Q. Loaned money to policeman? A. Yes.

Mr. Goff.—That is all.

Mr. Goff.—Is Mr. Snell in court? (No response.)

Sergeant Taylor in the court-room?

Sergeant Taylor.—Yes, sir.

John J. Taylor, called as a witness on behalf of the State, being duly sworn, testified as follows:

Mr. Goff.—You will now consider that you are under oath, and this committee wishes you, if you will be kind enough, to leave the court room for a while, and not to speak to any per-

son, or to allow any person to speak with you on any matter touching this investigation.

Chairman Lexow.—When shall he return?

Mr. Goff.—He will remain subject to call.

Chairman Lexow.—Remain subject to call outside, sergeant.

Anthony J. Allaire, was then called to the stand and sworn.

Mr. Goff.—Will you consider yourself now under oath as a witness before this committee; and you will please retire and do not allow any person to speak to you or you speak to any person on any matter touching this investigation until you are called.

Chairman Lexow.—Subject to the call of the committee, outside of the court-room, captain.

Thomas O'Neill, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. Do you understand, officer, that in coming here under subpoena, to this committee, you are bound under the solemn obligations of your oath, and upon your conscience, to tell the whole truth, and everything about which you may be inquired on—you understand that? A. Yes, sir.

Q. Do you respect the obligations of your oath? A. Yes, sir.

Chairman Lexow.—And that anything you say here is privileged, you can not be prosecuted for anything that you may say before this committee, with reference to any corruption in the police department, but you may be prosecuted with reference to any false oath, which means perjury, and punished as perjury is in any court.

Q. Now, Officer O'Neill, are you under fear of any one; are you afraid to testify against any one? A. Well, I don't like to testify unless I have to.

Q. Are you under fear? A. Well, not exactly fear; of course, I want to tell the truth, counselor.

Q. But are you under fear that if you do tell the truth, you will suffer for telling the truth? A. Well, that might be.

Q. You fear that, do you; you were in court this morning when you heard the chairman of this committee announce that no witness can be interfered with or prosecuted in any court, or in any proceeding for any testimony he may give before this committee—you heard that? A. Yes, sir.

Chairman Lexow.—I think I may safely assure this witness, that if there is any attempt to interfere with or embarrass any of the witnesses before this committee, that this committee will be continued just as long as the life of the Senate lasts, with a view of preventing it.

Q. Do you think that the apprehension you have, or the fear you have, that you may suffer or be injured in your official life as a policeman will interfere with your telling the truth here?

A. Well, I hope not.

Q. Do you think it would require an effort on your part? A. Well, of course, I can't say that for sure.

Q. Do you think that notwithstanding this apprehension that you feel you will nevertheless tell the truth in answer to whatever questions I may put to you? A. I shall, sir.

Q. You have endeavored to avoid being subpoenaed here, to avoid being called? A. Well, I didn't want to be called; no, sir.

Q. You would rather be excused? A. Yes, sir.

Q. Now, officer, how long have you been on the force? A. Twenty-four years.

Q. I see that you have got four stripes there? A. Yes, sir.

Q. Each stripe represents five years? A. Yes, sir.

Q. Record, pretty good? A. Twentieth July, 1870.

Q. A sergeant or patrolman? A. Patrolman all the time.

Q. Did you ever apply for promotion? A. I never did.

Q. You never got the bee of ambition buzzing around in your bonnet; did you? A. No, sir.

Q. You were satisfied to go along quietly as a policeman? A. Well, I was anxious to be detailed, and I got what I wanted.

Q. And were you detailed? A. Yes, sir.

Q. Where? A. Well, I was at the City Hall for three years.

Q. When were you put on the steamboat squad? A. To the best of my belief, I think it was in '84.

Q. To what pier were you assigned? A. Well, I was at several piers on the East river, piers 37, 38 and 39.

Q. On the East river? A. Yes, sir.

Q. Who was captain of the steamboat squad when you were first assigned to duty there? A. Captain Gastlin.

Q. He is on the retired list?

Q. While you were at piers 37, 38 and 39 on the East river, and during Captain Gastlin's command of that steamboat squad, did you receive any money from the lessees or occupants of the piers? A. No, sir.

Q. Not a dollar? A. Yes; I received at New Year's, \$10 from Mr. Hall, agent of the steamship company.

Q. Were you assigned subsequent to that to the North river pier? A. Yes; I went to the North river in 1891.

Q. What pier? A. Pier 45.

Q. Was that the French dock, French line? A. No, sir; that was the White Star line.

Q. Who was in command of the squad there, officer? A. Captain Schmittberger.

Q. While you were on the dock of the steamship company did you receive any money from the White Star company? A. I did sir.

Q. How much? A. Ten dollars a week; they gave me that for extra services and expenses.

Q. You were a good officer there? A. Without any solicitation on my part.

Q. I understand that; the company gave this money to you for services rendered to them? A. Yes, sir.

Q. And you performed work or hours of duty for them outside of your regular police hours, did you not? A. I did.

Q. And the company gave you this \$10 a week as a sort of compensation for this work? A. Yes, and for my meals.

Q. Out of that \$10 a week did you pay any money to any one? A. Yes, sir.

Q. To the wardman? A. Yes, sir.

Q. To Vail? A. I never gave any money to Vail.

Q. Who was the wardman? A. Officer Michael Gannon; he is now retired.

Q. How much did you give him? A. Twenty-five dollars a month.

Q. Did he go around to the dock to collect that money from you? A. He did.

Q. Every month? A. Every month.

Q. For what did you give him that money, for what purpose? A. Well, he told me the captain wanted it.

Q. That the captain wanted it? A. Yes, sir.

Q. Were you not aware of the fact that unless you paid that money you would not be allowed to remain on that dock? A. Oh, well, I suppose that would be the understanding.

Q. You assumed that, did you not? A. Yes, sir.

Q. In order to be allowed to remain on that dock you had to pay \$25 a month to the captain, as you understood it? A. Yes.

Q. And you gave it to Gannon? A. Yes, sir.

Q. Do you know that it was a common thing in that squad for all the men upon that force to pay in like manner? A. Of course, I couldn't say of my own knowledge.

Q. Was it not commonly understood and known among the men that they had to pay? A. I have heard it said so; yes, sir.

By Chairman Lexow:

Q. It was understood to be a custom? A. Yes, sir.

By Mr. Goff:

Q. Did that continue all the time that Schmittberger was in command? A. Yes, sir.

Q. When Schmittberger left what captain succeeded him? A. Sergeant Taylor was put in charge.

Q. He was in charge of the precinct? A. Yes, sir.

Q. For how long was Sergeant Taylor in charge — as acting captain, I suppose? A. Yes, sir; Sergeant Taylor was in command from January 12, 1892, to April 19, 1892.

Q. And then Captain Schmittberger went into command? A. Captain Schmittberger before that.

Q. I should say, Allaire? A. Captain Allaire since then to the present date.

Q. While Sergeant Taylor was in command as acting captain, did you continue to pay this \$25 a month? A. Yes, sir.

Q. To whom did you pay it? A. Sergeant Taylor.

Q. There being no captain then, did you pay it to him, as you understood it, for his individual use? A. I didn't know for anything else.

Q. He was in command of the precinct and he was the highest authority in that precinct for that time? A. Yes, sir.

Q. Did you pay it into his hands, officer? A. Yes, sir.

Q. That is the sergeant who is under oath now and outside; that has been here this morning? A. Yes, sir.

Q. When Captain Allaire assumed command of the precinct, did you continue to pay? A. Yes, sir.

Q. To whom did you pay from the time that Captain Allaire took command? A. Sergeant Taylor.

Q. To Sergeant Taylor; when you paid it to Sergeant Taylor, from the time that Captain Allaire took command, did you pay

it with the intent and with the purpose that it should go to the captain? A. I never had any question about that; I never asked any questions; there was nothing said.

Q. You understood that that was what it was expected of you for? A. I suppose so.

Q. Did you ever pay any more than \$25 a month, officer? A. No, sir; I did not.

Q. Are you there yet at the dock? A. Yes, sir.

Q. And you have been receiving the same compensation right along? A. Not up till now; up until the police commissioners passed a resolution objecting to it.

Q. Until recently? A. Along in June, I think it was.

By Senator Pound:

Q. What resolutions were you going to speak about? A. They passed a resolution and sent orders all around to the different steamship companies not to pay anything to the officers.

By Senator Bradley:

Q. And that was about the month of June? A. I think it was.

By Chairman Lexow:

Q. And from that time on it has been stopped? A. Stopped ever since.

By Mr. Goff:

Q. Is it not a fact that the first time you were called upon to pay \$25 a month out of this extra money you received from the steamship company was the very first month that Captain Schmittberger took command there? A. No, sir.

Q. Did you pay before that? A. He was in command of the precinct before I went to that pier.

Q. The first money you paid you paid under Captain Schmittberger? A. Yes, sir.

Q. The very first month after you received this extra compensation from the steamship company you paid \$25 to Wardman Gannon? A. I didn't pay the first month, not for about six weeks, I think it was after I went on the pier.

Q. They were pretty sharp on to it, if they were not right on the month? A. Yes, sir.

Q. Did Wardman Gannon call upon you at the dock? A. He did.

Q. What did he say, state what his conversation was—pardon me; when you received your first month's compensation you did not voluntarily go around and hunt up the wardman or anybody else to come and collect \$25 out of it, did you? A. I did not.

Q. You concluded that that money you might keep yourself? A. Well, of course, I heard — there was a rumor that that was a habit of giving up part of it.

Q. Then you expected to be called upon? A. Yes, sir.

Q. When Gannon first called upon you, just tell us his conversation as nearly as you can recollect it, word for word if possible? A. It is a good while ago now, counselor, I can not remember just the exact words.

Chairman Lexow.—Give us the substance as nearly as you can.

The Witness.—He came to me and he said to me that he understood there was some money here to the officer. I said yes I heard so. He said, how much is it. I says I don't know yet, I haven't collected it. He said, I understand there is \$40 a month, and the captain wants \$25.

Q. The captain wants \$25 of the \$40? A. I said, "Isn't that a little too steep, too much;" "Well," he said, "That is what he wants;" so I didn't hold any more argument about it.

Q. You thought discretion was the better part of valor there? (No answer.)

Charles A. Beek, a witness called on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. You have been before this committee, and, I think, you were treated fairly and decently; were you not? A. Yes, sir.

Q. There were some matters that I did not ask you about, officer, before; I will ask you about them now; you testified before, that you had received money from the steamship company, and that you had given up part of it? A. Yes, sir.

Q. To whom did you give up part of that money? A. To Sergeant Taylor.

Q. How much did you give to Sergeant Taylor? A. At the time you have reference?

Q. Yes. A. Ten dollars.

Q. Ten dollars a month? A. No, sir; only \$10.

Q. That is what you testified to before; who was captain of the precinct then? A. Captain Allaire.

Q. Were you on duty at the time of Captain Schmittberger?

A. At the American pier?

Q. Yes? A. No, sir.

Q. What pier were you on duty? A. The Providence line.

Q. Did you receive money from the Providence line? A. Yes, sir.

Q. How much? A. Ten dollars a month.

Q. Did you give up any part of that? A. Yes, sir.

Q. To who? A. I gave it to Officer Vail.

Q. Who was Officer Vail? A. Wardman.

Q. Is he on the force yet? A. Yes, sir.

Q. Where is he? A. I believe he is in court.

Q. How much did you give to Officer Vail? A. Ten dollars.

Q. A month? A. Yes, sir.

Q. Was Officer Vail specially detailed at that time? A. Yes, sir.

Q. He was not in uniform? A. No, sir.

Q. He was doing special duty? A. Yes, sir.

Q. What was the conversation that took place between yourself and Officer Vail? A. Very little on the pier; he said, "You are getting \$10 a month;" I said, "Yes;" he said, "I want it.

Q. He wants it? A. Yes; I said, "For who?" he said, "For the old man."

Q. What did you say then? A. Well, I said, "All right; come around the first of the month."

Q. Did he go around the first of the month? A. The first or second; I am not positive.

Q. Pretty close on to the date? A. Yes, sir.

Q. And you gave him the \$10? A. Yes, sir.

Q. Was that all you received there? A. That is all I received.

Q. So you gave up everything you received? A. I did.

Q. And Schmittberger was in command at that time? A. Yes, sir.

Q. Did you continue to pay every month during Schmittberger's command of that precinct? A. Yes, sir.

Q. To this same Officer Vail? A. No, sir.

Q. To anybody else? A. Officer Gannon.

Q. How many times did Officer Vail collect it? A. I don't really know; two or three times, I think, if I am not mistaken, and then Gannon took charge of it.

Q. Did you give up money to any other officer than to those you have testified to? A. Yes, sir.

Q. To who else? A. To Sergeant Taylor.

Q. Was he acting captain then? A. Yes, sir.

Q. How much did you give to Sergeant Taylor while he was acting captain? A. Ten dollars.

Q. Each month? A. Each month.

Q. Did you give it to himself personally? A. Yes, sir.

Q. You identified the officer this morning as he took the oath as Sergeant Taylor? A. Yes, sir.

By Senator Pound:

Q. Ten dollars a month or \$10 a week? A. Ten dollars a month.

Mr. Goff.—That is all this officer got when he was at the North river pier.

Senator Q'Connor.—He kept nothing for himself.

Mr. Goff.—Kept nothing for himself, gave it all up.

By Chairman Lexow:

Q. The only inducement you had for giving it up was to have a fairly nice position there? A. No, sir; I had a very bad one, out in the street all day long; I worked from 6 in the morning until 6 at night.

Q. Then you did not care for that particular detail? A. No, sir.

Q. And in addition to that had to pay everything over that you received? A. That is the idea.

By Senator Bradley:

Q. How many years have you been on the force? A. Twenty-two years last March.

By Senator O'Connor:

Q. Did you ever apply for promotion? A. No, sir.

Q. Was it any use? A. I don't know.

By Mr. Goff:

Q. Did you ever pay any money during Captain Allaire's command? A. Yes, sir.

Q. To whom? A. Sergeant Taylor.

Q. So that we have it now that you paid to Sergeant Taylor while he was acting captain, and you have also paid to him since Allaire has been in command ever month? A. Yes; not every month up to and until last June.

Q. I mean to say up to last June, of course.

By Senator Pound:

Q. That is from the time he took command of the precinct until the order was issued by the police commissioners? A. On the 9th of last February I was transferred from the Stonington line to the American line, and I received \$45 from the American line, but all I gave up of that \$45 was \$10; that was from February until last June.

Senator Bradley.—From February till last June he received from the American line \$45, and all he gave up was \$10, so he had a little to himself from February to June, and then when the general order was issued by the police commissioners they all stopped giving.

By Mr. Goff:

Q. Have you given us the names of all the officers to whom you gave up money and to all the captains? A. Yes, sir.

Q. That is, you gave up money while Schmittberger was in command? A. Yes, sir.

Q. And while Taylor was acting in command? A. Yes, sir.

Q. And while Allaire was in command up to the time of the issuing of the orders by the police commissioners? A. Yes, sir.

Q. That was the common understanding and knowledge among the officers of that squad? A. I believe it was; I never had any conversation with any of them in relation to it.

Q. Did you understand when you were giving up this money you had to give it for the purpose of the captain allowing you to remain at the several docks? A. I presume that is the idea.

Q. That was the understanding you had? A. Well, yes; I think it was.

Q. When the officer said to you the old man wants it, you understood who that was? A. I understood that was the captain.

Q. Did you ever apply for promotion? A. No, sir.

Q. Never did? A. No, sir.

Q. Did any one ever ask you to apply for promotion? A. No, sir.

Q. You have been satisfied to go along as patrolman, on special detail if you could get it? A. Yes.

Q. You have never been able to save much money, have you, after supporting your family? A. No, sir; never saved a dollar.

Q. And you have felt you never had sufficient capital to apply for promotion? A. That is a question I couldn't answer because I never asked anybody.

Q. You are on there over 20 years, are you not? A. Yes, sir. Chairman Lexow.—Twenty-two years.

Herman Intemann, a witness called on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. How long have you been on the force? A. Twenty years and over.

Q. And to what precinct are you attached to now? A. Thirty-seventh precinct.

Q. That is the steamboat squad? A. Yes, sir.

Q. What pier are you on duty? A. I am on the American pier.

Q. How long have you been on the American pier? A. Between six and seven years.

Q. How much have you been getting a month from the American pier? A. Been \$10 a week until six months passed.

Q. Ten dollars a week? A. Yes, sir.

Q. Up to about six months? A. Excuse me.

Q. That is right, just take your time, all we want officer is the truth? A. When I first went there I only got \$5.

Q. Five dollars a week? A. Yes, sir.

Q. And afterward it was raised to \$10 a week? A. Yes, sir.

Q. Well, what captain was in command of that precinct when you first went there? A. Captain Gastlin.

Q. He is retired? A. Yes, sir.

Q. Did you pay money out of that \$5 a week that you received to any person during Captain Gastlin's command? A. I would like to ask the gentleman to excuse me from answering; I have been before the grand jury on that question, and I would like to be excused from answering that question.

Q. That does not excuse you, officer, from answering here; that has nothing to do with us; we are not asking you what you testified to before the grand jury; that won't do.

Chairman Lexow.—Any testimony given by you here, officer, prevents you from being indicted or prosecuted; it serves as a complete protection to you against any indictment or prosecution to the giving of a bribe, or for corruption of that description — do you understand that?

The Witness.—Yes, sir.

Chairman Lexow.—Now, you are not at liberty here to plead anything except the privilege which other witnesses can plead, if your answer will tend to degrade or incriminate you, you can plead that, but you can not plead anything else; you must answer unless that is the fact.

Q. I wish to confine my inquiries to this dock matter, I don't want to go into any matters of your police life at all just now; there are matters I might find interesting to talk to you about before this committee, I don't wish to do so now; this committee is seeking to break up a vile system in this police department, and as you ought to be well aware that for any testimony you may give upon the question of accepting bribes or paying bribes to anyone you can not be prosecuted or interfered with; the law gives you that protection; now, I ask you if during the time that Captain Gastlin was in command of that precinct, did you give up to any person part of the money you received from the American line? A. No, sir; I did not.

Q. Not a cent? A. No, sir.

Q. Were you ever asked for it? A. No, sir.

Q. When did Captain Schmittberger take command of that precinct? A. I think it was in 1891; I don't exactly remember when.

Q. How much were you getting a week from the steamship company when Captain Schmittberger took command? A. Ten dollars a week.

Q. The company had raised you from \$5 to \$10, in the meantime? A. Yes, sir.

Q. When Captain Schmittberger took command, did you give up any part of that money? A. No, sir.

Q. Were you ever asked? A. No, sir.

Q. Have you ever given up any part of that money? A. Never give up a cent.

Q. Were you ever asked for a cent? A. No, sir.

Chairman Lexow.— You understand, witness, that while any testimony of yours, in respect to having given a bribe is privileged here, and that you can not be prosecuted for it, if you perjure yourself, if you commit perjury, it is just as much perjury here as it would be in a court of law, and that means 15 years in State prison.

Q. Your friend Flynn is not alive now — how many people did you club that were robbed in Geoghan and Flynn's place? A. None that I remember; I never had any dealings with Geoghan and Flynn.

Q. Were you not at all times called into their dives when any man had been robbed there? A. No, sir.

Q. You have gone before the grand jury, and you have perjured yourself, and dare not deny it now; have you not? A. No, sir.

Q. Do you mean to say you did not go before the grand jury of this county and deliberately perjure yourself, as you are doing now? A. I did not.

Q. Officers here have sworn that it was a common rumor and common knowledge through the whole department, or at least through that squad, that every officer detailed upon a dock had to give up so much a month to the captain; do you mean to say you were exempt? A. I never give up a cent.

Q. Were you a special favorite of the captain that you did not have to pay? A. I never give up a cent.

Q. You never gave up a cent? A. No.

Q. Then you took this money as a bribe, did you not? A. I took it for my meals.

Q. What? A. I took it for my meals.

Q. The city of New York paid you money to get your meals, \$1,200 a year? A. Well —

Q. The city of New York paid you \$1,200 a year to get your meals? A. Yes, sir.

Q. Then you took this money from the steamship company as blackmail, in order that you do your duty as a policeman; is that not the fact? A. No, sir.

Q. What did you take it for? A. I took it for my meals and for extra services that I rendered.

Q. But you were bound in duty to render them all the services that you could as a policeman; then, why did you ask money from them, \$20 a month? A. Well, I had stayed there nights overtime; stayed all night for this company.

Q. Did you not insist on the money being raised from \$5 to \$10? A. I did not.

Q. Did you not say the other companies were paying the same? A. Yes, sir.

Q. And, therefore, you wouldn't stay any longer there doing night work for them unless they raised the money from \$5 to \$10? A. I didn't say anything of the kind.

Q. How did you learn the other companies were paying \$10 a week; now, don't look and count your finger-tops; look at me; how did you learn it — are you dumb? A. No, sir.

Q. Why don't you answer it; now, look up; how did you learn it; that is my question? A. I suppose I heard it rumored; I don't know.

Q. Never mind your supposition; you must have learned it; I want to know how you learned it? A. I don't know; I don't remember how.

Q. You don't remember? A. No, sir.

Q. If you don't remember that you learned it, how is it that you don't remember how you learned it? A. I don't know.

Q. What is the trouble with you? A. Nothing that I know of.

Q. Why don't you find your voice — how did you learn? A. I suppose I heard it from other men.

Q. Why did you not say that at first; you have boasted before coming into this court that you would not tell the truth, that nothing could be got out of you? A. I have not.

Q. You mean to say you have not spoken and said that you would not give anything away; will you swear you did not say so.

By Chairman Lexow:

Q. Did you say so, officer? A. I don't remember.

By Mr. Goff:

Q. Will you swear that you did not tell men before you came into this court — look up, sir; will you swear that you did not say to persons that if you were forced to come here that the committee could not compel you to tell anything — will you just look at me? A. I don't remember:

Q. Will you swear that you did not do so? A. Well, I don't remember.

Q. You know it, it only occurred last Saturday; now, you do not find inspiration up there at the ceiling, look at me and get inspiration from me; will you swear that you did not as late as last Saturday boast? A. I did not.

Q. Will you swear that you did not boast? A. Not that I remember.

Q. If you had, you would have remembered it, only a few days ago? A. I don't know.

Q. You don't know? A. No, sir.

Q. Do you know anything — do you? A. I don't know what you mean.

Q. Are you a man of family? A. Yes, sir.

Q. How many children have you? A. I have six children living.

Q. Where do you live? A. Eight hundred and forty-eight Union avenue.

Q. Union avenue, in the annexed district? A. Yes, sir.

Q. How long have you been living there? A. I went up there five years ago.

Q. That is the Twenty-fourth ward, is it not? A. Yes, sir.

Q. Own your own house? A. Yes, sir.

Q. Did you have it built? A. No, sir; I bought it.

Q. You bought the house? A. Yes, sir.

Q. How much did you pay for it? A. I paid \$4,725 for it.

Q. Have you got more than one lot? A. No, sir.

Q. How long ago is it since you paid \$4,725? A. I think it will be six years on the 1st of August.

Q. Paid that money in cash? A. No, sir.

Q. How much on mortgage? A. I only paid, I think I only paid \$700 cash.

Q. How much have you paid on the mortgage since? A. I have paid — well, I have \$2,000 mortgage on it yet.

Q. Who held the mortgage? A. A man named Buehl; I pay my interest at Mr. Armstrong's, 7 Nassau street.

Q. Is that the \$2,000 that remains from the original purchase money of \$4,000? A. Yes, sir.

Q. And your salary has been \$1,200 a year? A. Yes, sir.

Q. Have you got a bank account? A. Yes.

Q. Where? A. In the Irving National Bank.

Q. That is a deposit bank? A. Yes, sir.

Q. Keep a check-book? A. Yes, sir.

Q. What business are you in that requires the keeping of a check-book? A. I have charge of property for my wife's uncle; he is in Germany.

Q. You have charge of property for your wife's uncle who is in Germany? A. Yes, sir.

Q. You act as agent for that? A. Well, I don't act as agent; I used to live in the house.

Q. It is only one house, is it? A. Yes, sir.

Q. Where is it? A. Two hundred and ninety-one Bleeker street.

Q. You collect the rents? A. Yes, sir.

Q. And you sent remittances to Germany? A. Yes, sir.

Q. Are you in any other business? A. No, sir.

Q. Is that the only property for which you are agent? A. I am not an agent; it is my wife's uncle; he has got a daughter or daughter-in-law living in Hudson street, and she gives me the rent, and I forward it.

Q. She gives you the rent and you forward it? A. Yes, sir.

Q. Is that what you keep a deposit bank account for? A. Yes, sir; that is I have only opened this account; I don't know how long go, I think in September.

Q. Of this year? A. Yes, sir.

Q. Have you got a savings bank account? A. Yes; I have.

Q. Where; what savings bank? A. Manhattan Savings Bank.

Q. How long have you had an account in the Manhattan Savings Bank? A. I formerly, I used to pay rent I used to get off the house; I would deposit it there and draw it out when I wanted it; that is under my wife's name and mine.

Q. Is this account in the Manhattan Bank in your name? A. My wife's and mine, both.

Q. Your joint names? A. Yes, sir.

Q. What is your balance there? A. I think it is about \$12.

Q. Have you got a bank account in any other bank? A. I think I have a little in the East River.

Q. The East River Savings Bank? A. Yes, sir.

Q. What is your balance there? A. Well, I couldn't say exactly; it isn't much; it is about \$25 or \$30, something of that kind.

Q. Why do you keep these two bank accounts with such small margins? A. Well, I have been very short of money; I had a little money in the banks previous to buying this house.

Q. Has your wife a bank account? A. Only the joint book.

Q. Are there any other bank accounts now in either your name or in your wife's name, or in your joint names? A. No, sir.

Q. Have you got a safe deposit vault? A. No, sir.

Q. Do you own any other real property than the piece you have described? A. Yes; I own 800—I think it is 804 Cauldwell avenue.

Q. How much did you pay for that? A. Four thousand two hundred dollars, I think.

Q. When did you buy that? A. Six years ago.

Q. How much mortgage on it? A. No mortgage.

Q. Paid for that in cash? A. Yes, sir.

Q. What is your balance in the Irving Bank? A. Well, I couldn't say; I got an award from the city last week, and I deposited a check of \$1,450 there.

Q. An award for what? A. From the city; the city takes a piece off the front, 45 feet off the avenue, to widen the avenue.

Q. That is up at Cauldwell Park? A. Yes, sir.

Q. Or Union avenue, which? A. Cauldwell avenue.

Q. What is the balance outside of the \$1,400 you got from the city? A. I couldn't say; I can show you the book and you can figure it up if you want to.

Q. Let me have the book? A. I will give you deposit book.

Q. Have you got the deposit-book in the East River bank too? A. No, sir; I have not.

Q. How did you know I was going to call for this book? A. I didn't know.

Q. Always carry it with you? A. No, sir; I do not.

Q. What made you carry it with you to-day? A. I was going to deposit this check; there is a check I made out that I was going to deposit in the savings bank.

Q. Here is a check drawn on the Irving bank of \$1,000 to deposit in the savings bank? A. Yes, sir.

Q. This is a new book? A. Yes; that is the whole business; you can see it for yourself; there is nothing crooked about that at all.

Q. It is not written up? A. No, sir; it has not been balanced.

Q. I want to get the book in the East River? A. All right sir.

Q. Here is a bank-book in the Manhattan savings institution too? A. That is the one I was going to deposit.

Q. You have a bank account in the Irving National Bank? A. Yes.

Q. In the East River Savings Bank and in the Manhattan Savings bank? A. That is the book.

Q. That is the Manhattan Savings Bank? A. Yes, sir.

Q. You said the East River Savings Bank? A. I have a small account there; yes, sir.

Q. You have three bank accounts? A. Yes, sir.

Q. One in the Irving National, one in the East River Savings Bank and one in the Manhattan Savings Bank? A. Yes, sir.

Q. What is the rent that you got, that this woman in Hudson street gave you for this house in Bleecker? A. One hundred dollars.

Q. One hundred dollars a month? A. Yes, sir.

Q. I see here for the first month after you opened your account in the Irving National Bank, October 30th, the sum deposited is \$335; how did that item come to be deposited, if you opened this account for the purpose of sending rent and money on to Germany? A. This man, Mr. Fisher, well he may draw twice a year; and that is the reason I kept this money in the house and deposited it.

Q. Mr. Fisher, the man in Germany? A. Yes, sir.

Q. How frequently do you transmit to him the money collected for this house? A. About twice a year.

Q. Through what banking house? A. Speyer & Co.

Q. This man pays you his rent every month of course? A. Who?

Q. The tenant? A. Well, it is a big tenement-house.

Q. The whole rents, you get \$100 a month? A. It is more than that, 291 Bleecker street brings in something like \$225.

Q. Two hundred and twenty-five dollars? A. Yes.

Q. And what are your semi-annual remittances? A. Well, from—

Q. You had better be careful, you are getting into very deep water, it will be worse for you than what you did before the grand jury? A. I will give you the best of my knowledge.

Q. No you won't, you will give us the facts? A. Well, the facts—\$1,350 and \$1,200.

Q. Have you got receipts for what you have transmitted?
A. Yes, sir.

Q. You have got the second bills, have you not? A. Yes, sir; the last bill, I did not get no bill for it, but I think I can get the check, the duplicate check, and show you what I sent.

Q. We have here that for October 30th, you deposited \$335; on November 2d, \$100; November 5th, \$100; November 20th, \$144; December 1st, \$122; December 4th, \$165; and this last item of \$1,450; and you opened the account with \$250.25; you mean to say that outside of this last deposit the draft from the city, that all these items in the Irving National Bank are rents received by you from this house in Bleecker street? A. Rents received, and may be a portion of my salary.

By Chairman Lexow:

Q. Did you deposit any part of this \$40 a month in your bank account? A. No, sir.

Q. No part of it? A. No; I always had that to spend.

Q. Did you deposit your salary in your bank account? A. No; I only opened the bank account in September.

Q. But in these savings banks? A. I don't suppose that I have; what was the question, excuse me?

(Last question repeated.) I may; a portion of it.

Q. Did you not deposit the warrants, the checks that you received from your salary in your bank account? A. No; I don't receive no warrants.

Q. What do you receive, money? A. Cash; yes, sir.

Q. Always? A. Yes, sir.

By Mr. Goff:

Q. Now, I find here that you have real estate amounting to \$6,925, making an allowance of \$2,000 mortgage, that leaves nearly \$7,000 real estate—any other real estate that you own, is that all the real estate; does your wife own any real estate? A. No; that is the house I live in including everything; I made the deed over to my wife.

Q. That is the usual thing, of course? A. Yes, sir.

Q. But, I mean to say does your wife, or do you yourself own any other real property outside of these two lots, one in Cauldwell and the other in Union avenue? A. No, sir.

Q. Do you hold any bonds or mortgages? A. Not a cent; no, sir.

Q. Have you any house rented that you let out again? A. Only these two I have mentioned.

Q. Those are your own property; I mean, do you rent any house on leasehold and sublet them? A. Well, that house in 291 Bleecker street.

Q. That belongs to this man Fisher? A. Yes, sir.

Q. Do you rent that house? A. I rent it; yes, sir.

Q. You rent it? A. Yes, sir.

Q. How much do you rent it for from Fisher? A. I pay \$1,350.

Q. A year? A. Yes, sir.

Q. What has this woman in Hudson street to do with that? A. Nothing at all.

Q. Why does she give you \$100 a month? A. For that house she lives in; that is his daughter-in-law.

Q. Then she is your tenant? A. She is not.

Q. This is another house, is it? A. Yes; where this woman lives.

Q. In Hudson street? A. Yes.

Q. It is hard work, Inteman, we will get at it; now let us understand; this house in Bleecker street belongs to your wife's uncle, Fisher, who is in Germany, is that so? A. That is right; yes, sir.

Q. You rent that house from him for \$1,300 and some odd dollars a year? A. Yes, sir.

Q. How much rent do you get out of that house? A. Now, before we go any further, I pay taxes and insurance, and there is interest to be paid on it, \$10,000 interest money; I pay all that too.

By Chairman Lexow:

Q. Besides? A. Besides; yes, sir.

By Mr. Goff:

Q. How much rent do you get out of it? A. Well, with everything it brings somewhere around \$2,500.

Q. This house in Hudson street, have you anything to do with that house? A. Only that she gives me the rent.

Q. That you send to your wife's uncle in Germany? A. Yes, sir.

Q. On your policeman's salary at \$1,200 a year you found enough to do I assume to support your wife and children? A. Yes, sir.

Q. Before you went to live in your house in Union avenue where did you live? A. Bleecker street, 291.

Q. Is that the time you were on duty on the beat between Canal and Grand along there on the Bowery? A. Yes, sir.

Q. How many years were you on duty there? A. Well, I was in the precinct about 13; I was from '73 to '77.

Q. Four years, Allaire was captain, was he not? A. No.

Q. Was he not captain while you were on duty in that precinct? A. Not that time; I was transferred a year and then I came back again.

Q. And Allaire was captain when you went back again? A. No, sir.

Q. Was Allaire ever captain in that precinct while you were on duty there? A. Yes, sir.

Q. When was that? A. I don't exactly remember; I think it was in 1880 Captain Allaire come there.

Q. You were there during Captain Foley's time? A. No, sir; I was transferred; part of the time; yes.

Q. Part of the time? A. Yes.

Q. And it was on your beat when you were there that Geoghan kept his notorious dive? A. I was not there at the time.

Q. Who kept the dive while you were there? A. Geoghan kept it.

Q. Why did you not say so? A. I was not at that place, and I was not in the precinct when Mr. Foley had charge of it.

Q. I am not talking about Owney Geoghan; you were on duty on that post where Owney Geoghan's dive was situated on the Bowery? A. Yes, sir.

Q. How long were you on that post? A. I couldn't say exactly.

Q. How many years? A. Well, I couldn't say.

Q. Four years? A. I guess so.

Q. It was more than four years you were on duty there? A. Yes; I have been on and off the Bowery, I guess, about seven years.

Q. Flynn also kept a dive on that beat while you were there? A. Yes; after Geoghan got out there.

Q. How many other dives were on that beat while you were there? A. I don't remember any.

Q. Was it from the proprietors of these dives that you made money to enable you to pay this real estate? A. Never got a cent off one of them.

Q. Where did you get it? A. I saved it off my salary some; on the first three or four years that I was married I saved a little money.

Q. How much money did you save the first three or four years you were married? A. I couldn't say exactly.

Q. Tell us? A. I couldn't say exactly.

Q. You were getting \$1,200 a year? A. Yes.

Q. How much did you save? A. The first three or four years I was living with my father-in-law; I may have saved \$50 a month.

Q. That would be \$600 a year? A. Yes, sir.

Q. How many years were you living with your father-in-law? A. I don't know; five or six years.

Q. That is \$3,600 you saved out of your salary? A. Well, I always saved a little money since.

Q. I want you to account how you saved that money? A. Well, I am saving a little.

Q. When did you leave your father-in-law? A. I didn't leave him at all; I was living in the house nine years ago and moved to Bleecker street.

Q. How many children were born to you during these years that you were living with your father-in-law? A. Three.

Q. Three children? A. Yes, sir.

Q. How long is it since you were before the grand jury? A. Last month, I guess.

Q. Have you been talking to any officials of the department since you have been before the grand jury? A. No.

Q. Why does it take you so long to answer my question? A. I have been talking to an official in a business way, in the capacity of my business.

Q. Have you been talking with any one as to what you testified about before the grand jury; will you look at me, please; have you been talking to any person about what you testified to before the grand jury, will you look at me sir, if you have courage and honesty enough to look at a man in the face; will you look at me, now try and do it; with whom have you been speaking about the testimony that you gave before the grand jury? A. I don't remember.

Q. You don't remember; now, you know you are telling a lie, don't you; now, keep your head up; will you swear here that you have not been asked and that you have not told, what you testified to before the grand jury; will you swear that; now,

keep your eyes straight; now, will you swear that — have you lost your breath; why don't you answer my question; will you try to be an honest man for once in your lifetime; now, keep your head up and answer my question, make an effort to answer my question, will you? A. I don't remember, sir.

Q. Now, look at me; will you swear here on your oath that you have not told a police official what you testified to before the grand jury? A. I don't remember.

Q. I ask you, will you swear here that you have not told a police official what you testified to before the grand jury? A. Not that I remember.

Q. I didn't ask you that; now, will you swear — I will repeat it again; will you swear that you have not told a police official what you testified to before the grand jury; now look at me; don't look around the room for help; look at me and keep your head up; now, answer my question if you can? A. I can not answer it.

Q. Let us have the truth; who was it you spoke to; now stand up please, and see if we can not get along a little better; I think you were a little nervous while sitting in that chair; and you will feel better now; now, look at me; what official was it that you told what you testified to before the grand jury — there goes your head down again.

Chairman Lexow.— Can you not look at Mr. Goff; give us the name of the official? A. I can not; I may have spoke to a dozen people.

Q. I am not asking you to whom you may have spoken; what was the name of the official whom you told what you testified to before the grand jury; give me the name of the official? A. I don't remember who it was.

Q. You don't remember who it was? A. No.

Q. Will you swear it was not Captain Schmittberger; did you expect to see Schmittberger up there (pointing to the ceiling); you ought to be ashamed of yourself? A. I haven't spoken to Schmittberger at all.

Q. Will you swear that it was not Captain Schmittberger that you told what you testified to before the grand jury? A. I will swear.

Q. Will you swear that it was not the some one that Captain Schmittberger sent to you that you told what you testified to before the grand jury? A. I will.

- Q. You have not told anyone? A. No, sir.
- Q. Have you told anyone in Howe and Hummel's office? A. I have never been there.
- Q. Have they sent any messenger to you? A. No, sir.
- Q. Have you told any policeman what you testified to before the grand jury; now, you see your head goes down again; you are making a nice exhibition of yourself? A. Well, you are doing it, Mr. Goff.
- Q. I am trying to help you; what policeman or police official was it that you told what you testified to before the grand jury; can you not answer my question? A. I don't remember.
- Q. Did you speak to a police captain since you have testified before the grand jury about your testimony there? A. No, sir.
- Q. Or to a sergeant? A. No, sir.
- Q. Or to a roundsman? A. I don't remember.
- Q. Now, you remember you did not talk to a captain; you remember you did not talk to a sergeant; you don't remember whether you spoke to a roundsman or not — now give us the roundsman's name? A. I never spoke to a roundsman.
- Q. Did you ever speak to the wardman about it? A. No, sir.
- Q. To a detective? A. No, sir.
- Q. To a special man? A. We have no special man.
- Q. I am not asking you for knowledge — to a man detailed? A. I don't remember.
- Q. You don't remember? A. No, sir.
- Q. To a policeman of any grade? A. I may, but not that I remember.
- Q. You bring your bank-book here from the Irving National Bank as soon as you can get it? A. It will take me an hour to go home.
- Q. Then go home and get your book?

By Chairman Lexow:

- Q. Do you keep an account book in addition to your bank-book showing the deposits that you made in your bank and the drafts you made upon the bank? A. Yes, sir.
- Q. You do keep an account? A. Yes, sir.
- Q. Bring that with you too? A. That is connected with the check-book.

John O. Mahoney, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. Now, officer, you signed your name every month on the Baltimore and Ohio pay-rolls? A. Not every month.

Q. Well, how frequent? A. Well, I have signed there a few months.

Q. What for? A. Well, for the small amount of money that I got for my dinner purposes.

Q. How much? A. I got about half a dollar a day for dinner.

Q. How much did you sign the pay-rolls for? A. Twenty dollars and five cents.

Q. Covering what period of time? A. One month.

Q. Twenty dollars a month, say? A. Yes, sir.

Q. How long have you been getting that \$20 a month? A. Well, from 1887 to I think—it was done away with last June.

Q. Seven years? A. Going on seven years, I think; part of the time I didn't get it though.

Q. You were receiving that \$20 a month up to June of this year? A. Yes, sir; for extra work I done at the dock.

Q. I am not asking you that, we will get at that in due time; you understand we want you to deal fairly with us, if you want us to deal fairly with you? A. I come here with that intention.

Q. How many years have you been in the service? A. Twenty-five years next summer.

Q. And you have never sought for promotion, have you? A. I saw it was no use; it was no use my seeking for it, when others were left—no encouragement.

Q. Did you feel it was no use because you were a poor man? A. There was poorer than me; I never considered myself a poor man as long as I have my health.

Q. Did you not know that a poor man applying for promotion did not have much of a chance unless he had some money behind him? A. That doesn't always follow; a man without money sometimes gets ahead, not in all cases.

Q. You have a pretty fair record, officer, I find in the department? A. I never had any other record in any other place I ever lived in; my record is what I always admire, to keep inside of the bounds of the law.

Q. I mean there have not been many complaints made against you, I find in the record? A. No, sir; very few complaints, and they were very frivolous complaints.

Q. Most every one that was made against you was dismissed? A. These complaints were frivolous complaints.

Q. You were fined very rarely? A. Yes, sir; I was fined once for smoking an old pipe.

Q. Do you think that complaint against you was not so much for smoking as for smoking the old pipe? A. Well, I suppose the two combined together.

Q. Where do you live? A. I live in One Hundred and Fifth street, 230, East.

Q. With your wife? A. Yes, sir.

Q. Got a family? A. Yes, sir.

Q. How many children? A. Two children.

Q. Grown up? A. No, sir; they are small; the eldest one is nine years old.

Q. Were you able to save this \$20 a month that you got from the steamship company, the Baltimore & Ohio Company? A. Well, it is pretty hard to save; when I took my dinner out of it it would only amount to about 65 cents a day.

Q. Even at that were you able to save the whole of it? A. I don't understand the way you put that question; I would like you to put it some other way; I have saved.

Q. I am not asking you what you saved; I am asking you if you were enabled to save the money you got from the Baltimore & Ohio Railroad Company, the \$20 a month—what are you ruminating about? A. I am not ruminating; I don't understand the way you put the question.

Q. My question is, and I think it is very plain, were you enabled to save the \$20 a month you received from the Baltimore & Ohio Railroad Company—that is plain, is it not? A. Was I able to save—I am able to save it I suppose if it is left to me.

Q. Then it was not left to you? A. What was left to me?

Q. That is just the point; if it had all been left to you, you could have saved it, could you not? A. Yes, sir; I should try to have saved it.

Q. But it was not all left to you, was it? A. No, sir; it was not.

Q. How much of it was left to you, officer? A. Well, about half of it; it was not all lost.

Q. Now, officer, I want to get through with you as quickly as possible, because I think you mean to tell the truth; to whom did you give this part that was taken from you? A. Well, the first man that tackled me for part of it is dead now.

Q. And do you forgive him? A. I do; I forgive everybody.

Q. Who was it? A. It was Hay.

Q. What was he—wardman? A. He was wardman under Captain Gastlin.

Q. Captain Gastlin has retired? A. He come to me and told me he wanted half of it.

Q. And did you give him the half? A. I did, and I told him he could have the whole of it, I didn't want none of it for myself.

Q. Did he take the whole of it? A. No; I offered it to him, but he said it was the custom to give the half of it; he said he would only take the half of it.

Q. While Captain Gastlin was in command that continued; that practice? A. Yes, sir; that continued.

Q. And who was the captain that succeeded Gastlin? A. Schmittberger.

Q. And did the practice continue then? A. Yes, sir.

Q. To whom did you pay the half then? A. To Gannon.

Q. Was it Gannon that collected from you all the time that Schmittberger was in command? A. No; there was another officer there previous to Gannon; I think Vail.

Q. Officer Vail; when Schmittberger left that precinct who succeeded him? A. Alliare.

Q. Sergeant Taylor, I think, was acting captain there for a few months, was he not, from January until April, I think? A. That was after Gastlin was retired; that was previous to Schmittberger coming.

Q. When Alliare went into the precinct did you continue to pay? A. The same practice.

Q. And who collected the money from you, what officer? A. Taylor did.

Q. Sergeant Taylor? A. Yes, sir.

Q. And you gave to Sergeant Taylor so much a month? A. Same old system continued right along.

Q. That was at the rate of \$10 a month? A. Yes, sir.

Q. And I suppose he went around and collected from you every month? A. Yes.

Q. Now, when you made these several payments to Gannon and to Taylor and to Officer Vail, was it your understanding and purpose that that money went to the captain? A. Well, that would only be hearsay, counsel; I had no evidence, no proof of it; it was only supposition; I never put that question to him who it went to.

Q. When you gave up this money you knew you had to give it up for some purpose and to some person? A. That question was given to me first, that it was the customary thing to give half of it.

Q. And that was to go to the commander of the precinct, the captain of the precinct? A. That was the supposition; the understanding.

Q. That was the understanding when you paid the money? A. I didn't put that question to him; it would be outside of my line of business.

Q. I am asking just for the condition of your mind, your understanding at the time that you gave up this money? A. I suppose that was the understanding.

By Chairman Lexow:

Q. Those who paid this money in that way, they did not have very much of an opinion of their superior officers who took this bribe money, did they? A. Well, I couldn't say really what opinion they had of the superior officers; I could only account for myself.

Q. You did not have very much of an opinion of an officer who would blackmail you that way, did you? A. Well, I understood it was the rule.

Q. Inasmuch as you believe that this money was going into the pocket of a superior officer who was doing nothing; you were at least performing some service, but he was doing nothing for getting that money—you had a very low opinion, did you not, of your superior officer? A. I thought he was getting it very easy.

Q. You did not have much of an opinion of him, did you? A. Well, I didn't form no opinion.

Q. None of them had very much opinion of their superior officers, I suppose? A. I want to say, Mr. Chairman, that when I went there I never asked the value of a cent of any one of

them; the agent of the company gave it to me for my services; there was a good deal of trouble there.

Q. We are not criticising or attacking you; the point was that you paid that money under compulsion to somebody else who was performing no service for it, and as the result of that you had very little opinion of your superior officer who took the money, did you not? A. It would naturally be weak, Mr. Chairman.

Q. And that was the general opinion of the rank and file? A. It was naturally weak, Mr. Chairman.

Oscar R. Cauchois, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. Where are you employed? A. The French Steamship line.

Q. What position do you occupy? A. I am the general freight agent.

Q. Do you know Captain Schmittberger? A. I know him by sight; I have seen him three times, I think, in my life; that is all.

Q. Now, Mr. Cauchois, I understand you are in a great hurry, and I want to get through with you as quickly as possible to accommodate you; I will put the question directly to you; what do you know with reference to any attempt made to get possession of the book of the French Steamship Company, containing the item of \$500 payment to Captain Schmittberger? A. Well, from the last of July to October I was practically acting agent to the French line; I had a power of attorney; I naturally looked after the traffic department and the subordinate clerks; I had heard remarks about money being paid to Captain Schmittberger, but I never knew the amount, and knew nothing of any item in any book; of course, it is not in my department; I had nothing whatever to do with the counting department; I signed the checks and took the general management of the business in the absence of the agent, but I never looked into the different departments, or the books, at least; they were in entirely separate departments from mine; at that time, prior to the — it must be the last of September, or the 1st of October, I don't recollect exactly, a party asked me if I knew anything —

Q. Give us the name of the party? A. Mr. Wolf, manager for Meinert; he called on me in my private office; after receiving him — this Meinert is a very good customer of our line, both

passenger and traffic, and we, of course, treated him with courtesy; he said there was a captain, a very good captain, that was coming up before this committee, and that they were collecting evidence against him, and possibly there was some evidence in our line against him; I listened to him until he said — do you want the whole of that conversation?

Q. Yes? A. He said they hadn't got very much against Captain Schmittberger, and naturally everything that they could learn would go against him; Mr. Wolf told me that he understood that there was a sum paid by the French line to this Captain Schmittberger, and asked me if I knew about it; I told him I had heard remarks about it, and I asked him incidentally the amount and he told me; he said that he would like to know, that Mr. Schmittberger would like very much to know, if there was any evidence of this amount in the books; I told him I hadn't seen any; that I had nothing whatever to do with the books of the company; and he asked me if I could have access to these books; I said, "Certainly;" well, he said it would please him very much to know about that entry; well, there is no use going on further, I simply said to him that the books belonged to the company, and that I did not propose to give any information about them; he said, "Probably you will be subpoenaed to appear before the committee with the books;" I said, "Well, I am not the agent of the company and I do not think they would subpoena me to bring any property that was not mine, which was simply intrusted to me in a general capacity;" he said, "If you are, will you do it;" I said, "If I am subpoenaed as acting agent I shall refer the matter over to the counsel of the company and allow him to decide what to do;" and that was all at that interview; I rose and terminated that interview there.

Q. Any further interviews? A. Well, he called again to see me afterward — oh, I beg your pardon, there is something else; he said this \$500, he mentioned the amount to me; he asked me if I would find the evidence in the books; I said, "Certainly, if I had the date; but I don't say I am going to do it;" he said, "I will go and get the date;" and he came back again with the date in one or two days after.

By Senator Pound:

Q. That was before this matter had been brought before this committee again? A. What matter do you mean?

Q. The matter of the \$500 to Captain Schmittberger? A. Naturally that didn't come up before Forget came back from Europe; he came back and gave me the date and I took it and sat it on one side and said, "Thank you;" I never looked up the matter, or inquired about it until I heard the books had been called for, and on the point of being sent.

By Chairman Lexow:

Q. Did he say where he had gotten the date? A. No, sir; he didn't; I didn't ask him; in fact I don't think he gave the absolute date, the month; but he said it was about Christmas or New Year's; in fact he told me it was a New Year's present.

By Mr. Goff:

Q. Was there anything said by him in the subsequent interview? A. In reference to what, Mr. Goff.

Q. To this item in the book? A. Well, simply that he believed the gentlemen would be willing to give it back if it could be received; it simply went in one ear and out of the other; I laughed at it; I hadn't any authority to take back anything; and I paid not much attention to that part of it.

By Senator Bradley:

Q. Captain Schmittberger was willing to give back the \$500? A. Through his representative; I understand it that way; I didn't listen to it; I had no power to bestow the money given by my chief; I had no right to take it.

By Mr. Goff:

Q. Did you see Mr. Wolf after Forget had been before this committee? A. I never saw Mr. Wolf after that day that he called in my office; that was prior to the return of Mr. Forget from Europe.

Q. Have you seen anyone in relation to the matter since Mr. Forget has been on the witness stand; or has anyone seen you and talked with you? A. No; absolutely not; except the general way we have of talking on change.

Q. I mean something specially? A. No one approached me; no, sir.

Q. Have you told us all that occurred between yourself and this Wolf? A. Well, on that subject?

Q. Yes? A. There was some remark made, I believe, of not only giving back the \$500?

Q. But \$1,000 more with it? A. Well, not to allow the books to go out of my possession, and of course then he spoke of a bribe or an amount of money, I simply ridiculed it and laughed, and got up and terminated the interview and told the gentleman he could leave my office and see somebody else connected with the company.

Q. This Wolf said that the \$500 would not only be returned to the company, but \$1,000 would be given to the man that would get away with the evidence in that book? A. Mr. Goff, I can not say absolutely it was \$1,000; that was my impression, that it was about that, something said about that the money would be returned with interest, and to suppress, not suppress exactly, but not to permit the books to go out; I said, "I had no authority to keep any papers or books," and I simply terminated the interview, because when he began talking money I didn't want anything more to do with it; I said, "If I get subpoenaed and the committee ask to see the books they shall be referred to counsel;" I did receive a subpoena under the name of the agent and returned it to the gentleman; I gave him my name and told him I was not the party, that if they gave a subpoena in my name I should come or speak to the counsel, but to subpoena me under anybody else's name I refused to accept it; I gave him my card so that he could subpoena me if he wanted.

By Chairman Lexow:

Q. Was the suggestion made to you personally that you suppress these records or refuse to bring them before the committee? A. I didn't look at it as a personal matter.

Q. It is not possible that this Mr. Wolf offered the French line a bribe, as a corporation? A. Outside of that question of bribing, the question of keeping the books back—the question of the offer to pay some one to keep them back—well, I considered that too ridiculous to mention.

Q. That was made personally to you? A. I don't see how he could, he has known me for a good many years, known my reputation in the house; I don't see how they dared do such a thing.

By Mr. Goff:

Q. He did? A. I don't consider that to be a bribe to me.

Q. Outside of your consideration we want the fact?

By Senator Pound:

Q. He made the proposition, take it as you will? A. I suppose if he had offered that to anybody else — he might have offered that to somebody else in the office.

By Chairman Lexow :

Q. He made the suggestion that money would be paid if these books could be suppressed? A. Yes, he did make that suggestion; he said, "The money would be paid back with interest and money paid for the suppression of the books," not the suppression exactly, to keep them locked up, their non-production, and after he mentioned that fact I terminated the interview by bowing him outside; and that was the end of my transaction of the entire affair.

Patrick Murphy, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. How much money have you been receiving from the Pennsylvania Railroad Company? A. Twenty-five dollars a month as a rule.

Q. How long have you been receiving \$25 a month, officer? A. For the last 14 years.

Q. Now, how much of that have you given up? A. One-half about, without going into fractions.

Q. About one-half every month? A. Yes, sir.

Q. Did you give that up during the 15 years? A. Yes, sir.

Q. I will take you from the first captain, if you please, that you were there under, the first captain; who was the first captain? A. Captain Gastlin was the man when I was sent there.

Q. Who collected the money? A. Officer Hay; he is now dead.

Q. After Gastlin left, what captain succeeded him? A. Well, acting Captain Taylor for a while.

Q. Did you pay that money while acting Captain Taylor was there? A. I paid that money while he was acting captain.

Q. Now, after Taylor became acting captain, or ceased rather acting as captain, what captain succeeded him? A. Captain Allaire.

Q. Did you pay that money while Captain Allaire was in command? A. Yes, sir.

Q. And up till June this year? A. Yes, sir; until June.

Q. I skip Captain Schmittberger; he was there before Taylor was acting captain? A. Yes, sir.

Q. Did you pay that money while Schmittberger was captain? A. I did.

Q. To whom? A. To Robert Vail; that is my impression.

By Chairman Lexow:

Q. You are certain you paid it, but your impression extends only to the person that you paid it? A. I am certain that I paid it, and I am pretty certain to Mr. Vail.

Q. To whom did you give up the money while Captain Allaire was in command and up to the issuing of the order of the police commissioners this year? A. Sergeant Taylor.

Q. Now, when you delivered up this money every month to the various persons and under the various captains that you have stated, what was your understanding, that that money was to go to the captain? A. I never had any understanding of that kind, Mr. Goff; I received that money when I went there; it was a precedent that was set before I went to that pier; I had received that money right along, and I have had no reason to suppose where that money went; I gave it to those whom I supposed it belonged to, and further than that I do not know.

Q. Now, I do not want to press you to answer things, that is some things that are not fair to ask you, I simply ask you, an officer of the police department, if you did not recognize that this collector, we will call him, represented the several captains whom you served? A. Represented this fact, that he was appointed by the captains, but I don't recollect the fact that he gave this money to the captains.

Q. I am not asking that. A. When I gave any of these men money, if I wanted a favor done, extra men sent to the pier, or anything of that kind, as a rule, I went to them, and for that and in consideration that they gave these favors to me I gave them a percentage of the money.

Q. Do you remember one time that you were late on duty at the pier? A. During Captain Schmittberger's time?

Q. Yes. A. Yes, sir.

Q. And there was a prospect that you would get into trouble for being late? A. There was until I made my explanation; I don't think there was any after that.

Q. Did you at that time or at about that time, did you have to give up more money than you had been giving up? A. No, sir; I never gave up more.

Q. Was there not something said to you then that in order to get out of that trouble that you could be certain not to have any trouble if you would give up more money than you had been giving up? A. No, Mr. Goff; that is not the way that story goes; I will tell you the way that was; I was put on night duty; I was entered on the blotter there at midnight, on the pier; it was a market pier, and I used to have to stay there until 3 or 4 o'clock in the morning; and they were not sending these goods from the South on Tuesday morning as a rule, and that was the morning I did not go until 12 o'clock; I reached there one morning at 12 o'clock; Captain Schmittberger was there, and he said you are entered to be on the blotter here at 12 o'clock, why were you not here; I made the same explanation, that it was Tuesday morning, that there was no business, and I didn't consider there was any reason for me to be there, as the pier was not lit up and the gates were not open, and he said not to have it occur again and went off; about the money matter there was nothing said about that money matter; but you speak of it now about my getting money; I believe there was some months there I didn't receive any money; two months I had been on the pier I hadn't received the \$25, but it was no connection with that late business; I made my explanation to the captain and it was satisfactory to him; if it hadn't been I am pretty sure he would have made a complaint.

Thomas F. Brady, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. How long have you been on the force; I see you have five stripes? A. Over 25 years.

Mr. Goff.—Has Officer Murphy left the court-room.

Officer Murphy.—No, sir.

Mr. Goff.—How many years have you been on the force?

Officer Murphy.—Twenty-six in February.

Q. You have been over 25 years; how much have you been receiving from the Pennsylvania pier? A. Twenty-five dollars.

Q. Twenty-five dollars a month for how many years? A. Seventeen years.

Q. Have you been giving up part of it? A. Yes, sir.

Q. Half of it? A. Yes, sir.

Q. Right along? A. Yes, sir.

Q. The first was Captain Gastlin, was it not? A. Yes, sir.

Q. And to what officer did you pay the money? A. Officer Hay.

Q. He is dead; now Captain Schmittberger succeeded Gastlin in the command of that precinct? A. Yes, sir.

Q. Did you pay during Schmittberger's command? A. Yes, sir.

Q. To what officer did you pay? A. Officer Gannon.

Q. Any other officer? A. Not during Captain Schmittberger's time.

Q. Who did all the business during Captain Schmittberger's time? A. And Officer Vail.

Q. Those two officers; now, after Schmittberger left I believe Sergeant Taylor was placed in command as acting captain, was he not? A. Yes, sir.

Q. Did you give up half per month while Sergeant Taylor was acting captain? A. Yes, sir.

Q. To him personally? A. No, sir.

Q. To whom? A. Officer Vail.

Q. After Sergeant Taylor ceased to have command Captain Allaire took command? A. Yes, sir.

Q. Did you give up during his command? A. Yes, sir.

Q. To what officer? A. Sergeant Taylor.

Q. And you continued to pay half of the \$25 a month directly to Sergeant Taylor during Allaire's captaincy up to the issuing of the order by the police commissioners? A. Yes, sir.

Q. Was that all the money you have ever given up? A. That is all I know of.

Q. Possibly you did not understand my question; have you ever given up money to any police official or official other than one-half of the amount you received from the Pennsylvania railroad? A. That is all I recollect I give up; one-half.

Q. But when you say your recollection, don't you think you would remember if you had given up? A. I would, yes; I have not; I don't remember anything else.

Q. Will you swear that there was nothing else? A. Yes, sir; I will swear that there was nothing else that I know of; I don't remember anything.

Arthur B. McGeorge, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. How many years have you been on the police force? A. I was on 20 years last August.

Q. And you are yet? A. Yes, sir.

Q. What pier have you been stationed on? A. I have been on pier 16, on the North river, for 16 years.

Q. What line is that? A. That is the Pennsylvania line.

Q. How much money have you been receiving? A. Twenty-five dollars a month.

Q. And have you been paying half? A. Yes, sir.

Q. You paid half during Captain Gastlin's command? A. Yes, sir.

Q. To Detective Hay, or Officer Hay? A. Officer Hay; yes, sir.

Q. Schmittberger succeeded Gastlin? A. Yes, sir.

Q. Did you pay during Schmittberger's command? A. I did.

Q. What officer? A. Officer Vail.

Q. Any other officer during Schmittberger's command? A. Yes; Officer Gannon.

Q. During Sergeant Taylor's command, as acting captain, did you pay? A. Yes, sir.

Q. How much? A. Half, \$12.50.

Q. Did you pay it to him directly? A. Yes, sir.

Q. Each month? A. Each month, every month.

Q. During Captain Allaire's command, did you pay? A. Yes, sir; just the same.

Q. To what officer? A. Sergeant Taylor.

Q. Are those all the moneys you have paid, officer? A. That is all I have ever paid since I have been there.

Q. Since you have been on the force in fact? A. On the force; yes, sir.

Q. You seem to be an intelligent man that can form an opinion of your own; when you paid this money to these several officers, were you not paying it for the purpose of it reaching the captain? A. That is what I suppose.

Q. And you knew and apprehended at that time that unless you paid that money you would not be allowed to remain upon that dock? A. Well, I don't know about that; I couldn't say.

Q. You knew it would be somewhat unpleasant for you? A. Well, probably it would.

By Senator Bradley:

Q. Wasn't that the impression you had? A. Yes.

By Mr. Goff:

Q. You knew that you were not legally compelled to pay it, officer? A. No.

George Connors, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. How long have you been on the force? A. Twenty-three years.

Q. What steamship dock have you been on? A. Stonington line.

Q. How much money have you received from the Stonington line? A. Ten dollars a month.

Q. Have you given up any part of that? A. Five dollars of it.

Q. How many years have you been there? A. Going on three years.

Q. What captain was in command when you first went there? A. Sergeant Taylor.

Q. As acting captain? A. Yes, sir.

Q. To whom did you give the money during his time? A. Sergeant Taylor.

Q. Captain Alliare succeeded him, I believe? A. Yes, sir.

Q. To whom did you give the money during Captain Alliare's command? A. To Sergeant Taylor.

Q. When you gave this money to the persons that you have named, did you not understand that that was to go to the captains? A. That was the supposition.

Q. And it was a common practice, so far as the rumor went, among all the men of that squad? A. Yes, sir.

By Senator Pound :

Q. Do you know how many of these piers and docks there are where this practice prevailed? A. I don't know.

Peter Moran, called as a witness on behalf of the State, being duly sworn, testified as follows :

By Mr. Goff :

Q. What precinct are you attached to now? A. Seventh precinct.

Q. I see you have got four service stripes there, you have been on the department over 20 years, have you not? A. Yes.

Mr. Goff.—This is a matter, Mr. Chairman, that is worth calling attention to now, that all the officers who have been on this stand, some for 25 and 26 years, all appeared as this man appears, to be perfectly able and competent to do duty, and they are all doing duty.

Senator Pound.—Some of the best specimens of the force that have been on the stand.

Mr. Goff.—Yes.

Q. Now, were you ever in the steamboat squad? A. Yes, sir.

Q. What dock were you stationed upon? A. White Star.

Q. Did you ever receive any money from the White Star people? A. Yes, sir.

Q. How much? A. Ten dollars a week.

Q. How much of that did you give up? A. Just half of it.

Q. Now, what captain was in command of that precinct when you were on the White Star dock? A. Captain Gastlin.

Q. And I presume you gave it up to Hay as has been testified to by all the other officers? A. Yes, sir.

Q. Now, after Gastlin was there, what captain succeeded him while you were there? A. Captain Schmittberger.

Q. Did you pay while Captain Schmittberger was in command? A. He wanted it all and I wouldn't give it.

Q. He wanted it all? A. Yes, sir.

Q. And you wouldn't give it? A. No, sir.

Q. Did you give any portion of it? A. No, sir; he removed me.

Q. They removed you then? A. Yes, sir.

Q. They wanted the \$40 a month? A. Yes, sir.

Q. Were not satisfied with \$20 — who was it that made the demand upon you for the whole of it? A. Vail told me that the captain wanted it all or nothing; I said I am not going to come here early and stay late and give it all and get nothing; the result was I was removed over to the East river, Officer Deegan, Reilly and myself.

Q. You are one of the men that was removed? A. Yes, sir.

Q. And I believe on an open dock? A. Yes, sir; at first.

Q. How long did you remain there? A. Until after Schmittberger left; I was there quite a while.

Q. You did not get any money over there of course? A. No.

Q. How long did you remain attached to that precinct? A. I am out of that two years past.

Q. Did you go back on the North river? A. Yes, sir; I went on the French line.

Q. Who was captain there? A. Alliare.

Q. Did you give up anything? A. I didn't get anything for a while; I was there about five or six weeks, and finally the superintendent said to me, "Moran," he said, "I think I can make arrangements to allow you a certain amount for your attention;" I was there early and late; so after I was there about five weeks, I guess, he made arrangements to allow me \$10 a week, and I think it was one collection that Sergeant Taylor came and I gave it to him.

Q. You gave it to Sergeant Taylor? A. Yes, and then I was transferred after that.

Q. Allaire was in command then? A. Yes, sir.

Q. And then you were transferred? A. Yes.

Q. To another precinct? A. Yes, sir; Seventh precinct, where I am now.

Q. What was the cause of your transfer, officer, if you know? A. Well, no, sir; I don't, nothing that I had done myself; I hadn't committed myself in any way.

Q. You didn't make application for transfer, did you? A. No.

Q. There were no complaints against you, were there, as far as you knew? A. None at all.

Q. When you gave this money to Sergeant Taylor, did he make demand upon you for more than one-half? A. Well, yes, \$25.

Q. He wanted \$25? A. I gave him \$25, that was understood.

By Senator Pound:

Q. Twenty-five dollars out of \$40? A. Yes; the arrangement had been altered since I was on the White Star; in my time it was half that the officers gave up, but after when I came back to the French line it appears that the officers on the steamship lines give \$25.

By Mr. Goff:

Q. So it had been increased? A. No, not increased; the same amount \$10 a week, and in place of the officer keeping half he kept \$15, and had to give \$25 up to whoever collected it, the sergeant or detective, or whoever it was.

Q. I don't clearly understand? A. You see when I was on the White Star line the officer that stayed late at night and come early in the morning, he kept half for himself, and he gave up the other half to whoever was to collect it; but after, when I was removed, when I wouldn't give it all up, I was removed to the East river, then when I came back again Schmittberger had made some arrangements that I did not know of, which was this, that the steamship men had to give up \$25, and keep \$15 for themselves out of the \$40.

Q. And according to that new arrangement you gave to Sergeant Taylor \$25 out of your \$40 a month? A. Yes, sir.

Q. Did you pay it to him more than once? A. That is all, that is all I was there.

Q. Then you were removed? A. Yes.

Q. And as far as you know without any charges or complaints? A. No charges at all.

Q. The people on the French line were satisfied with you? A. Perfectly, they tried to get me back again.

George W. Kiernan, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. How long have you been on the force? A. Fourteen years and nine months.

Q. What steamship dock are you on? A. At present on the Vermont Central.

Q. Is that on the East or North river? A. On the East river, Pier 36.

Q. Were you ever on the North river? A. Yes, sir.

Q. What dock? A. I was on Pier 12, on the New Jersey Central.

Q. How much money did you receive at that pier, New Jersey Central? A. Not a cent.

Q. That is one company that does not pay? A. Yes, sir.

Q. Have you been receiving money from the Vermont Central? A. No, sir.

Q. Have you ever received any money at all? A. No, sir.

Q. You have not been one of the favored ones? A. No, sir.

Q. Can you give any reason why you — and I take your testimony as true, I believe you are telling the truth — can you give the committee any reason why it is all the other officers who were on other piers received moneys from the companies and you did not receive any money from the company where you were on duty? A. I can not give any reason.

Wyatt M. Bassett, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. You are the agent of the Central Vermont Railroad? A. Yes, sir.

Q. What is the position that you hold? A. Agent.

Q. Are you the highest authority of that company here? A. In the operating department, yes, sir.

Q. You keep books? A. No, sir; the cashier keeps the books.

Q. And makes entries on your direction there? A. Yes, sir.

Q. Are there any entries on these books for monthly payments for police service? A. Yes, sir; in years past.

Q. How many years? A. Twenty or twenty-two.

Q. How long have you been connected with the company?
A. Since the 1st of May, '66.

Q. Mr. Bassett, has the company been paying any money or recent years? A. No, sir.

Q. Tell us the cause of the change? A. I had one man detailed for 14 years; I think his name was Collard; he was, I don't know how long it is, but from the time the steamship company reorganized, I think seven years ago, he was retired; I kept him as gateman after that and paid him \$50 a month; he signed the pay-roll in the regular way; he was a special officer; and when he left me about a year and a half ago, then I put my own man on as gateman; and haven't paid anything from that time since.

Q. And that is the reason? A. Yes, sir.

Q. Have you had some correspondence with the officers of your company in relation to this matter? A. No, sir.

Q. Do you remember ever writing to the officers of the company to say that you could not get along without paying for police work? A. I might have years ago, but of late years not at all, because I had a special officer you know seven years

Eugene Beglan, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. Now, officer, how long have you been on the force? A. Twenty-one years, little over — 21 years and three months.

Q. At what pier are you on duty? A. Twenty-two North river.

Q. What company? A. Baltimore and Ohio railroad.

Q. How long have you been there? A. Been there seven years with the company on and off; about seven years.

Q. How much have you been receiving from the company, officer? A. My dinner money; about \$5 a week.

Q. I am not asking you the object for which you got the money; we have it pretty well established that all the companies paid the officers money; we are not criticising you now at all; our inquiries are in another direction — you got \$5 a week?
A. Yes, sir.

Q. Now, how much of that did you give up? A. Half.

Q. To whom? A. To different parties.

Q. Let us see; Captain Gastlin was in command there when you were first there? A. Yes, sir.

Q. To what officer did you give up during his command? A. Hay.

Q. After Captain Gastlin ceased to have command, Captain Schmittberger succeeded him, did he not? A. Yes, sir.

Q. Who did you give up to during his command? A. Gannon.

Q. Did you not give up to Officer Vail? A. Yes, sir.

Q. Half, that is \$10 a month? A. Yes, sir.

Q. Now, after Schmittberger left there, Sergeant Taylor took command as acting captain? A. Yes, sir.

Q. Did you give up during Sergeant Taylor's captaincy? A. Yes, sir.

Q. To whom? A. Taylor.

Q. Himself? A. Yes, sir.

Q. Ten dollars a month? A. Yes, sir.

Q. Now, after Taylor ceased to have command, Allaire went there? A. Yes, sir.

Q. Did you give up during Allaire's command? A. Yes, sir.

Q. To whom? A. Taylor.

Q. Ten dollars a month, you continued to give that each month up to last June I think it was, when the commissioners issued their order? A. Yes, sir.

Q. You have not received any money since then, have you? A. No, sir.

Q. Now, each and every time you gave up these moneys and to every person you gave it to, did you do so with the knowledge and with the understanding that it was to go to the captain — that was the understanding, was it not? A. Well, I suppose so.

Robert J. Vail, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. I wish you would pay attention, if you please, to the chairman; I would ask the chairman to instruct this officer, if he be not aware of it already, at least to formally instruct him as to his position as a witness here before this committee.

Senator Pound (acting chairman).— The proposition has been stated here many times before, that the testimony given before this committee is of a privileged character, inasmuch as this is a committee of the Senate to investigate the abuses which are said to exist, and do exist, in the police department. You are

protected to this extent, that any testimony you may give here, as to the giving of a bribe, is an absolute bar to any prosecution that may be instituted against you, or any civil proceeding in consequence thereof; it is an absolute defense or a bar. But, on the other hand, if you give false testimony here or commit perjury, you are liable not only for the other offenses that you have committed, but for that act the same as if the perjury had been committed in any court of justice.

Q. Now, Officer Vail, you were a wardman at one time, were you not? A. I was detective.

Q. That is ward detective? A. Ward detective.

Q. Under what captain? A. I was under Captain Gastlin.

Q. That is in the steamboat squad? A. Steamboat squad; I was five years detective under Captain Gastlin.

Q. Were you detective under Captain Schmittberger? A. Two months.

Q. Now, Officer Vail, a number of your brother officers have testified here whom you know, I presume? A. Yes, sir.

Q. They testified that they paid you and Gannon, but you, for your own part, every month, one-half of the money that those officers received from the various steamship companies? A. Yes, sir.

Q. That is true? A. Yes, sir.

Q. Well, officer, for whom did you collect that money? A. Well, I was assigned, made detective; I was four years detective, I think, when Hay died; Detective Hay, he died; so Captain Gastlin told me to go around and see these men and they would do the right thing.

Q. Now, what did you do with the money that you received? A. I gave it to the captain.

Q. Every month? A. Yes, sir; I never got a penny out of it; not as much as the price of a cigar.

Q. The only benefit that you had from that special position was that you were relieved from patrol duty? A. Well, I had harder work than patrol work; my record will show what I done.

Q. Will you explain to us, please, how your work was harder? A. I was up early and late; steamships sail early and I had to stay up all night looking out for state-room thieves and confidence men.

Q. Did you do collecting in any other line of business but in the steamboat line? A. No, sir.

Q. That is all that squad has control of? A. That is all.

Q. It is limited to the steamboat company; now, officer, you say you were two months there under Schmittberger? Yes, sir.

Q. Did you collect during those two months? A. When Captain Schmittberger was sent to the Twenty-eighth precinct I was over the day he was made captain, I was over at court; I had a receiver of stolen goods, he was getting tried, and the jury was out; so when I came down it was late; the jury did not get back until about half-past 6; when I got down to Pier A it was 7 o'clock, and they told me that Captain Schmittberger had been down and reported there and turned the men out and gave them a lecture; so the next morning I reported at 8 o'clock.

Q. You had heard he had given them a lecture? A. Yes, sir; I was not there.

Q. You missed a moral treat? A. The next morning he called us; there were six detectives, four on the North river and two on the East river; he called the six detectives into his room, and asked the names, and they told him; so then he let the other detectives go—no, he asked who was Vail; I told him I was Vail; so he let them go out, and then he asked me about the workings of the precinct; I told him it had been a customary thing as far as I had heard for years for the men to give half of what they were getting; they were getting that money for dinner money, and they voluntarily gave that up; well, he said, he didn't want no policemen collecting, he wanted the whole of it.

Q. He wanted the whole of the money? A. Yes, sir.

Q. That is, he did not want any policeman collecting? A. He wanted to get it all himself; so I said that will be a pretty hard matter, because these steamboat people if they knew the captain was getting any of this money they would not give a cent to these men; the men gave this voluntarily; well, he said, he was sent there to reorganize the squad and he was going to transfer those people off the piers; I said you can suit yourself, them men have been on these piers for years; the people want them, and I think there will be a great kickup if you change them; well, he was going to be captain of the precinct; I said, all right; so then it went on for about six weeks—to the 6th or 7th of January; then he changed his mind; he sent me around to notify the men and to report to him if any of them wouldn't be satisfied to give the whole of it up; I carried out my order;

he gave me the order and I carried it out; I reported back to him that some of the men were satisfied and some of the men kicked.

Q. Did you collect any money during his captaincy? A. Yes, I did; I think I got \$50 from the agent of the Pennsylvania Railroad there at Desbrosses street, and from the Hoboken people; he went and seen them himself, the ferry people.

Q. Did you get that money directly from the agent? A. Yes, sir; I went there and he gave me an envelope, and I gave the envelope to Schmittberger.

Q. Then the officer on the dock did not get the money? A. Not that month.

Q. How is it they came to pay you directly? A. That was an understanding between the agent and the captain.

Q. The captain had been there? A. Yes.

Q. To the Hoboken people the same thing? A. Yes, sir.

Q. Now, you collected, you say, \$50 from whom? A. From the agent, Mr. Townsend, I think is his name, he is on the Pennsylvania road near Desbrosses street.

Q. On the Pennsylvania dock? A. Yes, sir; he told me to go and see the agent; Schmittberger told me to go and see the agent, and I would get for the two men that was on that pier; there was two men on that pier.

Q. You would get from the agent instead of through the men, the money? A. Yes, sir.

Q. You say you got that money in an envelope, \$50; did you give that money and the money contained in that envelope to Captain Schmittberger? A. Yes, sir; I never kept a cent of it.

Q. I understand that, I simply want to get that matter clear on the record; you are prepared to swear here that the envelope that contained the \$50 that you received from this Mr. Townsend, as you remember his name, you gave that envelope and the \$50 that you received from him in the envelope to Captain Schmittberger? A. Well, I wouldn't say the envelope because I took the money out; I had other other money and I put it together and I gave it to him.

Q. Then we have it this way, that you can swear that the \$50 you received from Townsend you gave that to Captain Schmittberger directly? A. Yes, sir.

Q. Now, you have stated about the Hoboken people, how did you come to collect that money from the Hoboken people? A. He went and saw them.

By Senator Pound :

Q. Schmittberger went and saw them? A. Yes, sir; and that he would change the policeman away from there and that he would give them a good policeman; so then he told me to go over and see the man in Hoboken.

By Mr. Goff :

Q. In Hoboken? A. Yes, sir; that is their office in Jersey.

Q. So that you were sent over to another State to collect this money? A. That is where he told me to go and I went and got it.

Q. We are not criticising you at all, you had to obey orders; you were sent by order of your captain to Hoboken, in the State of New Jersey, to collect this money? A. Yes, sir.

Q. And you went to that office in Hoboken? A. Yes, sir.

Q. What is the gentleman's name that you saw? A. Well, now it is the superintendent of ferries.

Q. Was it Wilson? A. Not Wilson.

Q. Woolsey? A. No, it was the deputy superintendent under Woolsey.

Q. The man under Woolsey? A. I would know the name if I heard it; it is four years; it is so long I forget his name.

Q. We can locate the man; what conversation did you have with him when you went there? A. Didn't have any; I went in there.

Q. Did he know you? A. Yes; he knew me from being along the river.

Q. He handed you how much money? A. Fifty dollars.

Q. Now, you stated before that the \$50 you received from the Pennsylvania Company you put with other moneys you had? A. I put it with this \$50; I was after coming from Hoboken.

Q. Was that all the money that you collected? A. No; there was some of the men gave some; but he had said you know that he went to the agent and stopped them from giving any money.

Q. Some of the officers have testified here that they gave you money, Officer Vail; now, we are perfectly willing to accept your version? A. That was the first month; the first month I got it regularly was when Gastlin was there; the second month I didn't get it.

Q. Now, how much money did you collect the first month you were there during Schmittberger's time? A. The first month, you know the first month was just the same as always, it was the second month; the change.

Q. I want to get a definite amount? A. I guess it is about \$210.

Q. And that sum you had been collecting every month before that? A. Yes, sir; about that.

Q. Is it not a fact, it has been sworn to by some of the officers here, that when Captain Schmittberger went there instead of the men paying half they had to pay \$25 out of \$40? A. I don't know; I wasn't there then.

Q. You were moved shortly after? A. I was only two months there; I thought it was time to get away; I wouldn't do special duty with them; I wouldn't do detective duty with them.

Q. As matter of fact, did not Schmittberger compel you to go to men, even in the first month; within six weeks after he took command of that precinct, and tell some of the men that they would have to raise the money? A. He gave me an order to go and tell the men that he wanted all the money they were getting; I carried out the order he gave me.

Q. The last money you gave to Schmittberger, as I understand, were those two \$50 you received, one from the Pennsylvania, and the other from the Hoboken people? A. There was more than that; there was some of the men that gave.

Q. Was that the last money you gave that time? A. Yes, sir.

Q. Do you remember the amount you gave the last time? A. I guess it was about \$170.

Q. And that \$170 were derived either directly from the steamship people or from the officers themselves; those two elements contributed to that \$170, is that so — from no other source? A. Do you mean the men or the steamship people?

Q. Both? A. Yes; they both made up that amount; he told me the men that were not willing to give not to go near them.

Q. Did you ever keep a memorandum-book officer of your own as to the amounts that you collected, for your own protection? A. I never collected any for my own protection.

Q. I mean keep a memorandum-book for your own protection? A. No; I had the names of all the men.

Q. Can you give us an amount, an approximate amount, as nearly as your recollection serves you, as to how much money

you collected that way altogether? A. I was only a year — Hay died.

Q. I suppose according to your figures you collected about \$3,000; you collected about \$210 a month? A. About that.

Q. And two months for Captain Schmittberger, so it would be in round numbers about \$3,000? A. I guess it might have been that.

Q. That money was given in cash as you had collected it? A. Yes, sir.

Q. You did not put it in bank; you gave the money as you received it? A. Yes, sir.

Q. And always at the station-house? A. Yes, sir.

Q. Did you hand the money over to the captain? A. In his room, yes, sir; at his desk.

Q. You did not put it in an envelope or anything of that kind? A. I just handed it to him.

Q. When you handed it each time, did you give an account of the men you collected from? A. He had a list of the men that was giving the money.

Q. Would he compare the list of the men he had with the amount he received from you? A. I don't know; I left him when I come out.

Q. You felt a pretty strict account would be kept.

By Senator Pound:

Q. He knew how much he was entitled to, did he not? A. I suppose so; I got nothing out of it.

John J. Taylor, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr Goff:

Q. Sergeant Taylor, how long have you been on the force? A. I was appointed the 25th of May, 1864.

Q. That is over 30 years? A. Thirty years last May.

Q. I see you have got five service stripes there? A. Six.

Q. How long have you been sergeant? A. Since 1869.

Q. Man of family? A. Yes, sir.

Q. Family grown up? A. They are, the most of them,

Q. Where do you reside? A. I reside at 328 West One Hundred and Forty-fifth street.

Q. Large family? A. Four boys and one girl alive; three dead.

Q. To what precinct were you assigned when you were first promoted to be sergeant? A. To the Twenty-ninth, now the Nineteenth.

Q. That is the Tenderloin? A. Yes, sir; I was roundsman for a short time in that precinct.

Q. How long did you remain a sergeant in the Tenderloin? A. I couldn't say positively, six or seven years.

Q. And where were you transferred from there? A. I was sent to the Fourth.

Q. That is Oak street? A. Oak street; yes, sir.

Q. Where were you transferred from the Fourth? A. To the Sixteenth.

Q. That is over on the west side? A. Twentieth street, yes, sir.

Q. And to where were you transferred from the Sixteenth? A. To the steamboat squad.

Q. Give us the date as nearly as you can recollect when you first went to the steamboat squad? A. Eighty-one or '82, I wouldn't be positive.

Q. What captain was in command? A. Captain Gastlin.

Q. Now, many of the officers of your precinct, Sergeant Taylor, have testified that while Captain Gastlin was in command of that precinct that they paid to Hay and to Vail, special officers, one-half the moneys which they received from the various steamboat docks—had you any knowledge of these payments? A. No, sir.

Mr. Goff.—Now, Mr. Chairman, I wish you would state to the captain his privileges here as a witness.

Chairman Lexow.—Any testimony given by you, sergeant, implicating you in the receiving of a bribe is privileged, and your admission of any fact in connection with a transaction of that kind is an absolute bar against any prosecution against you for such cause; that is your privilege. In other words, a clean, clear cut confession if you have been guilty of anything of that kind, is an absolute bar preventing any tribunal, grand jury or otherwise, from investigating the matter or bringing an indictment against you. On the other hand, if you perjure yourself, if you commit perjury before this committee, it is the same

as committing perjury in a court of law, and you know what the punishment for that is, 15 years in State prison.

Q. You say, sergeant, that you had no knowledge of these payments? A. Not that I could swear to.

Q. You had no personal participation in them, had you? A. No, sir; not while Captain Gastlin was there.

Charman Lexow.—I want to say another word to the sergeant, and that is, that in putting you upon the stand here we do so as a witness for the State; that if you do make a confession you perform a service to the State which should be commended rather than found fault with.

Mr. Goff.—And I must say for counsel, Mr. Chairman; the counsel will assume, until the contrary be shown, that Sergeant Taylor will regard the obligations of his oath to tell the truth.

Q. You had no personal knowledge, that is, you did not see the money paid or transferred, but it was a matter of common knowledge and notorious that such money was being collected every month? A. Well, there was always a rumor at that time, as far as I knew, that the men got something for their meals at these different piers, but I never saw any money handed, or anything of that sort while Captain Gastlin was in command of the precinct.

Q. I do not charge that you did; after Captain Gastlin retired, Captain Schmittberger went there, did he not? A. Yes.

Q. Have you any knowledge of any money having been collected there during Captain Schmittberger's command?

Chairman Lexow.—Speak right out, sergeant, you must know or not.

A. Only the rumor, while Captain Schmittberger was there.

Q. You had no personal knowledge, had you? A. No, sir.

Q. Captain Schmittberger remained in command how long?

A. Captain Schmittberger came there when he was made captain; I think it was December, the 8th of December, as near as I can remember now; in that neighborhood.

Q. Captain Schmittberger was made captain December 8, 1890? A. That is about the time.

Q. Do you remember when Captain Schmittberger left that precinct? A. Yes, sir.

Q. What date? A. I couldn't exactly tell the date; he was about 13 months there, I think; one month over a year, I think, as near as I can recollect.

Q. That would be about February 1891? A. Yes, sir; or somewhere in that neighborhood.

Q. That is as near as you can recollect, sergeant? A. Yes, sir.

Q. It would be 1892, sergeant? A. Eighteen hundred and ninety-two; yes sir.

Q. After Captain Schmittberger was transferred from that precinct, who took command? A. I did.

Q. And how long were you in command? A. I was in command from the time when he left until about the middle of May, I think, the same year.

Q. About four months? A. Somewhere in that neighborhood, yes, sir.

Q. And after you were relieved in command as acting captain, Captain Allaire was appointed? A. Yes, sir.

Q. And he has been there ever since? A. Yes, sir.

Q. You have been there as sergeant? A. Yes, sir.

Q. Now, Sergeant Taylor, I wish to approach the main subject of your examination directly to you; many of the men of that precinct have testified that while you were acting captain that they paid you money every month, part of the money that they received from the various companies on whose docks they were assigned to do duty, is that true? A. That is.

Q. Before you became acting captain and while Schmittberger was in command of that precinct, did any of the men pay any of the money to you; they have sworn that they have; I want to be fair with you, sergeant? A. While Captain Schmittberger was in command?

Q. While Captain Scmittberger was there? A. There was an officer at the White Star dock of the name of Peter Moran, and I think he gave me a few dollars on different occasions, saying I had no chance to get my dinner, and that was the dinner money, and he could spare a little to get my dinner; I can not remember anything else, not now.

Q. How about Officer Beck, he gave you \$10, A. I have to differ with Mr. Beck on that \$10.

Q. Do you deny you received \$10 from him? A. Yes, sir.

Q. Or any other \$10? A. Well, that \$10 on the Inman dock; I didn't visit or see Officer Beck for very near half of a month at that time; I had no business on that portion of the river; I must differ with Mr. Beck on that \$10; the blotter will show where I patrolled, and I must differ with him on that \$10.

Q. Now, sergeant, apart from that \$10 in relation to Officer Beck, while Schmittberger was captain, how much money did you collect from the officers of that squad? A. I don't think I collected more than \$15.

Q. And what did you do with that money you collected? A. I bought my dinner.

Q. Used it for yourself? A. Yes, sir; that is giving the outside amount; that, I think, would cover anything that I got.

Q. Well, sergeant, will you come down to the time when you were acting captain; now, all the men have testified that during that time, during those four months, they paid to you one-half of the money each month that they received from the steamship company? A. That is about correct.

Q. You have stated that? A. Yes, sir.

Q. How much money did you collect each month? A. Well, it varied; sometimes it would go to \$200, and sometimes it would not be quite \$200, and sometimes a little over that.

Q. About \$200 we will say the average? A. Not any more than that.

Q. There have been some officers here who have testified that the amount was about \$210 a month? A. Well, it varied sometimes.

Q. We will strike an average—\$200? A. Yes, sir.

Q. What did you do with that \$200 a month that you collected while you were acting captain? A. I gave the biggest portion of that money to Inspector Steers.

Q. To Inspector Steers? A. Yes, sir.

Q. Did you keep the money each month, or did you divide with him each month? A. Well, I divided.

Q. Each month? A. Each month.

By Chairman Lexow:

Q. Equally? A. Not equally.

By Mr. Goff:

Q. Inspector Steers was in command of that inspection district? A. Yes, sir; and I was subject to his orders.

Q. Now, the first month that you collected, we will say and assume as you have stated that \$200 were collected, just tell me what you did with that \$200 the first month? A. I went to headquarters and I gave Inspector Steers about \$150 of it.

Q. One hundred and fifty dollars? A. Yes, sir.

Q. Now, had you ever given Inspector Steers any money before sergeant? A. Yes, sir.

Q. What money? A. After Captain Gastlin left there I was put in charge between him and Schmittberger coming there.

Q. So that you were acting captain twice? A. Yes, sir.

Q. Now, about paying the money to Steers; was it from the money that you collected during the first period that you were acting captain that you paid to Steers? A. Well, every month I paid him.

Q. That is the first time that you were acting captain between Gastlin retiring and Schmittberger's command? A. Yes, sir.

Q. How many months, do you remember, intervened when you were in charge? A. Captain Gastlin got retired about the 2d or 3d of July, as near as I can remember, and I was in charge from that time until the time Captain Schmittberger took command.

Q. That would be about six months, he took command about December 8th? A. Yes, sir.

Q. So that would be about six months? A. Yes, sir.

Q. Now, during those six months did you make the collections? A. No, sir.

Q. Who was it that made the collections? A. Vail.

Q. And you received every month this money from Vail that he collected? A. Yes, sir.

Q. I will speak now of the first month, that was in 1890, when you were first acting captain there, the very first month that you received the monthly collection from Vail, what did you do with that collection? A. I took it to Inspector Steers.

Q. Now, tell us, why did you take it to Inspector Steers? A. I had orders.

Q. Who gave you the orders? A. He did.

Q. What were those orders, sergeant, just tell us the whole thing? A. His order was to for me to continue the same as the captain had done, and every month to come and see him and give him a certain amount of the money.

Q. Give him a certain amount of the money? A. It varied, I told you, it would not be always alike.

Q. What is the variation that — fix it — was it two-thirds, two-fourths, or how much percentage? A. I got about 20 per cent.

Q. You got about 20 per cent? A. Yes, sir.

Q. And he 80 per cent? A. Yes, sir.

Q. Was that his direction to you that you should get 20 per cent. and he 80 per cent? A. No.

Q. How was it fixed? A. He told me that he knew about what money there was there.

Q. Yes? A. And for my trouble of getting it, I kept 20 per cent. and he seemed to be satisfied.

Q. Did you retain in your own hands 20 per cent. without asking his consent? A. Well, he understood it in that way.

Q. What I want to get at is, sergeant, when you brought the first month's collection to Steers; you say you brought \$200; do you remember the amount you brought? A. I do not remember the amount now; no, sir.

Q. We will say \$200, that is the average sum; when you brought the first \$200 from headquarters to Steers can you tell me how much you gave him out of that \$200? A. I can't exactly just tell the very amount, sir.

Q. As nearly as your recollection serves.

The Chairman Lexow.—He said about \$150.

The Witness.—That would be about \$150.

Q. Did you retain the money you considered yourself entitled to before you went to Steers; that is you gave him so much? A. I gave him so much; yes, sir.

Q. Did you tell him how much you had collected? A. I did.

Q. Every month? A. Yes, sir.

Q. And you would give him at a ratio of 80 per cent. on the sum collected? A. Yes, sir.

Q. Did he ever find any fault with you for retaining 20 per cent? A. No, sir.

Q. That continued every month? A. Every month.

Q. When Schmittberger took command you stopped the collection? A. I stopped collecting; I did not know anything about it then.

Q. You had not anything to do with it then? A. No, sir.

Q. And when Schmittberger left you became acting captain again? A. Yes, sir.

Q. You resumed collections? A. Yes, sir.

Q. Did you continue to pay to Steers? A. Yes, sir; now the first time Vail collected was between Gastlin and Schmittberger, and then when Schmittberger left I collected myself.

Q. That is what I understand; you did not do the collection during the first acting captaincy? A. No, sir.

Q. Vail did the collections? A. Yes, sir.

Q. And you took the money to headquarters? A. Yes, sir.

Q. Now, during the second acting captaincy you did the collecting yourself? A. Yes, sir.

Q. Can you give us any reason for doing the collecting yourself; why you did the collecting yourself? A. Well, I had plenty of time to go around amongst the boys; and it was not a very difficult job; and they all seemed to be pretty well satisfied and I took the money.

Q. After you had ceased to be acting captain, during the first term of your captaincy, did Steers say anything to you; give you any instructions what to do or anything? A. I don't understand you; after I was —?

Q. After you were relieved of the command of the precinct, as acting captain, and when Schmittberger went there, did you hear from Steers in any way relating to this money? A. No, sir.

Q. I suppose it was clearly understood that he did not expect you to go over when you did not collect, or did not receive it? A. No.

Q. That was an understood thing? A. That was about it.

Q. If there was anything of that kind done it must have been done by Schmittberger or someone else? A. Yes, sir.

Q. The collecting from the men went on all the same, sergeant? A. I understood so; yes, sir.

Q. When you were made acting captain the second time did you have any conversation with Steers, or any communication from him — the second time? A. No more than my seeing him; he told me to go on the same as I had been doing; that is about all; I had orders to do about the same thing.

Q. And the first month's money that you collected you took it over to the station-house? A. Yes, sir.

Q. To the headquarters? A. Yes, sir.

Q. The same as you had during your first acting captaincy? A. Yes, sir.

Q. Was it about the same sum of money? A. Very near about the same; as far as I can recollect.

Q. And you gave him the same proportion? A. About the same proportion; yes, sir.

Q. And that continued during the months that you were acting captain? A. Yes, sir.

Q. About four months; now, Captain Allaire was appointed to that command? A. Yes, sir.

Q. You continued to do the collecting? A. Yes, sir.

Q. Was that at Captain Allaire's request? A. I was told to go on and do about the same as I have been doing.

Q. Who told you? A. Well, I think Steers told me that.

Q. That was even when Allaire was in command? A. Yes, sir.

Q. What did you do with the money that you collected when Allaire was in command? A. I took that money and I put it in an envelope and I laid it on a desk in the station-house, and I never see it any more.

By Chairman Lexow:

Q. Were you not surprised when Inspector Steers asked you to make these collections? A. Rather.

Q. You never—or had you known of a custom prevailing before of making collections of this kind? A. No, sir; it was my first experience.

Q. And you did it unhesitatingly under the orders of your superior officer? A. Yes, sir.

Mr. Goff.—Pardon me a moment, is Henry Kopp in court? (No answer). Is Cline in court? (No answer). Is Mr. Rosenberg in court? (Yes, sir); and Mr. Rosecranz in court? (Yes, sir).

Q. Do you mean to be understood as saying you had no knowledge or information at all upon this subject prior to the time the inspector told you? A. Only rumors.

Q. You did understand there was rumor to that effect? A. Yes, sir; that is all.

Q. So far as you knew did that rumor extend throughout the police force in the city that that kind of business was being carried on? A. No, sir.

Q. You did not have very much confidence in the superior officer who charged you with the performance of a peculiar duty of that kind, did you, from that time on, did you? A. Well, no, not —

By Mr. Goff.

Q. After Allaire was placed in command did you have any conversation with Allaire about the collection? A. Not that I remember of, sir.

Q. How is it, that you, instead of bringing the money to headquarters, giving the money to Inspector Steers, brought the money to the station-house, how did you come to make the change? A. Well, I was instructed that way.

Q. Who instructed you — Steers? A. Steers.

Q. So that you were to bring the money to the captain instead of bringing it to him directly? A. I never gave a dollar to the captain, sir.

Q. You were to bring it to the station-house? A. Yes, sir.

Q. When you left this money in an envelope was it directed to any person? A. No, sir.

Q. A blank envelope? A. No, sir; I wrote on the envelope "Street cleaning report."

Q. "Street cleaning report?" A. Yes, sir.

Q. What desk did you leave that envelope on? A. In the station-house.

Q. Did any one instruct you to put that upon the envelope? A. No, sir.

Q. How did you come to coin those words out of your own mind? A. Well, I don't remember of anybody giving me any instructions about that part, about the marks to be on the envelope.

Q. Well, but there must be some particular reason why you selected those words, "Street cleaning report?" A. Yes, sir; that is what I wrote on the envelope.

Q. I want to know why did you select those words, "Street cleaning report?" A. I think that is what Steers told me.

Q. That is the point; that is what I wanted to get at; that is what Steers told you to put on that envelope? A. Yes, sir.

Q. Did you seal the envelope? A. I did, sir.

Q. And did Steers tell you to leave that envelope on the desk in the station-house? A. Yes.

Q. That desk; is it the desk of the sergeant in the regular ward-room? A. The desk of the sergeant, sir.

Q. The desk of the sergeant? A. Yes, sir.

Q. That is where persons who are arrested are brought in and arraigned? A. Yes, sir.

Q. That is the desk you have reference to? A. That is the desk.

Q. When you left that who was in charge of that desk, when you left that money? A. Well, I would leave it there and there

would be different ones there at the time; sometimes I put it in the drawer there, a little drawer that is in the desk; there are two desks.

Q. I presume you would not leave that money there unless there was some one on duty? A. No, sir.

Q. Because it is apparent if you left it on that desk where strangers might come in, some one might get that envelope that you would think might not be entitled to it, isn't that a fact? A. That is a fact.

Q. Then we have it that you only left that envelope at times when some officer was in charge of the place? A. Yes, sir.

Q. One of the other sergeants? A. Yes, sir.

Q. Did you call his attention? A. No, sir.

Q. You never said anything to the sergeant on duty at the time? A. No, sir.

Q. Was it left with other papers? A. It was left as I — as near as I can explain it to you, in a little drawer in the desk, and those little drawers; there are two on each end of the desk, and there was one drawer I always left it in.

Q. Was that called the captain's drawer? A. No, sir.

Q. How did you come to select that drawer? A. That was the drawer I selected.

Q. I beg pardon? A. That was the drawer I selected; I always left it in the same drawer.

Q. Someone, sergeant, must have known you left it there in that drawer; someone that expected to get it? A. That is about the way it was.

Q. That is a fact? A. Yes, sir.

Q. Unless you conveyed the information in some way to the person for whom the envelope was intended; the person might not know where to look for the envelope? A. Well, it was understood — the envelope was always left in that place.

Q. It was understood? A. Yes, sir.

Q. That is what I say; but with whom was it understood? A. Well, it was understood with Steers.

Q. With Steers? A. Yes, sir.

Q. Were there other papers in the drawer where you left that envelope? A. Yes, sir.

Q. Reports for headquarters? A. No; not any report for headquarters.

Q. Well, the precinct makes daily reports to headquarters, does it not? A. Yes, sir.

Q. Is it not a fact that these envelopes were put in with some papers that were to be sent to headquarters the next morning.

A. I could not say that, sir; it was not in that drawer.

Q. When you said there were other papers in that drawer, what were the other papers? A. Such as papers and reports that we preserve; and such as the like; I think we put in that drawer; to keep a while; old reports, and the like of that.

Q. Was this drawer locked ever? A. No, sir.

Q. It was never locked? A. Not that I know of; no, sir.

Q. When you used it it was always open? A. Yes, sir.

Q. You pulled it out? A. Yes, sir.

Q. And you simply took this drawer out and put in this envelope? A. Yes, sir.

Q. And closed it again; and that was all? A. That was all.

Q. Did you ever hear from any person about any of those monthly envelopes going astray? A. No, sir.

Q. They always reached the right quarter as far as you know? A. As far as I know; yes, sir.

Q. Did you ever have any conversation with Allaire about it? A. I don't think I did, sir.

Q. Refresh your memory, sergeant; it appears from the testimony here that these collections had been made by every man that was in command of the precinct for 15 years; when I say collections I mean the receiving of money. (The witness nods his head affirmatively.)

Q. Every captain that was in command of the precinct received the money for 15 years; that is the sworn testimony of all the officers before us; will you explain why it was that Allaire never spoke to you about this money that should have come to him, it having come to every captain that was there before him?

A. No; I think I said on one occasion that I left a report in the drawer or something of that sort, but I never told him anything about the money.

By Chairman Lexow:

Q. Did he understand that this report was in fact an envelope containing money that you meant? A. Well, I suppose he did.

Q. In other words when you spoke to him about that report, you knew that he understood you to mean an envelope containing money, that is right? A. That is right.

By Mr. Goff:

Q. Did the inspector visit the station-house frequently? A. Yes, sir.

Q. How frequently? A. Well, there was no regular time you know; he would stop down there once — I could not tell you the exact date.

Q. When he visited the station-house it was his duty to look over some reports, was it not? A. Yes, sir.

Q. And was it not a fact that this envelope was put in the drawer with those reports intended for the inspector's examination? A. No; the inspector always looks over the blotter and the telegraph book; the reports that we send up to headquarters in the morning and they inspect them at headquarters.

Q. Well, sergeant, you have been retaining you say about 20 per cent. of this money? A. Yes, sir.

Q. Up to the time Captain Allaire took command? A. Yes, sir.

Q. Did you continue to retain 20 per cent.? A. Yes, sir.

Q. The same as you did when you was collecting yourself? A. Yes, sir.

Q. And you continued that right up to last June, I think it was, when the commissioners issued that order? A. When they issued that order the dinner money was cut off.

Q. When did Steers retire? A. That I can not tell you now.

Q. Well, it was McLaughlin succeeded Steers, was it not? A. I think it was.

Q. Yes; well, he became inspector on October 1, 1892; so Steers must have been retired before that date, before October 1, 1892? A. McAvoy was our inspector after Steers.

Q. He was inspector after Steers? A. Yes, sir.

Q. McAvoy became inspector on April 29, 1892; after Steers left did you continue to put the money in the drawer? A. Well, Steers—yes, sir.

Q. Well, now, when Steers left and, since you had the understanding with Steers to put the money in the drawer, how did you come to put the money in the drawer when the new inspector came there? A. I done the same as I always done.

Q. Did you have an interview with the new inspector? A. No, sir.

Q. Did you have any talk with him at all? A. No, sir—oh, yes; I had a talk with him.

Q. I mean in reference to this matter? A. No, sir.

Q. I don't mean, of course, you did have a talk with him in pursuance of your duty; but I mean in connection with these collections? A. No; I never had any talk with him in regard to that; I never had any talk with Inspector McAvoy in regard to collections.

Q. Did you have any talk with Allaire when the change of inspectors came? A. Yes; we were well satisfied; we thought we were getting a very good inspector.

Q. Did you have any talk with Allaire about this monthly envelope? A. No, sir.

Q. Well, sergeant, can you explain to us how it was that you continued to put this monthly collection, less your 20 per cent., in this drawer every month when there was a new inspector in the district; can you explain that to us? A. I continued to do the same as I always done; put it in the drawer.

Q. Well, for whom was that envelope intended, when you put it in the drawer? A. That I could not swear; who ever took it out.

Q. You knew that you were held responsible by somebody for that collection, were you not; you knew you were held responsible by somebody for that collection, did you not? A. Well, I done the collecting, and I put it there—

Q. I know. !

By Chairman Lexow:

Q. You knew you were going to be held responsible for the money you put in there? A. I suppose so; yes, sir.

By Mr. Goff:

Q. During Inspector Steers' time you knew he held you responsible because you had direct talk and communication with him? A. Yes, sir.

Q. What I want to find out is after Inspector Steers retired, to whom were you responsible for this money? A. I could not say I was responsible to anybody; I went on and done the same, and was not told anything different, and I continued on the same. !

Q. To whom did it go to? A. That I could not say, sir.

Q. I do not suppose that you saw it go? A. No, sir.

Q. But can't you give us your testimony now under the solemn obligation of your oath as to where that money went, you understood it, after Steers left the district?

Senator O'Connor.—That don't involve personal knowledge; but as you understood it.

By Mr. Goff :

Q. As you understood it? A. I could not swear.

By Senator O'Connor :

Q. As you understood it? A. It was left there, and who took it, I never see anybody take it.

Q. Who did you understand took it; what is your own understanding; not that you actually saw the man take it or gave it to him; but what did you understand about it? A. I suppose it was wanted at headquarters.

By Chairman Lexow:

Q. Did you understand that it went to the successor of Inspector Steers? A. I could not swear to that.

Q. Was that your understanding? A. No.

Q. Is it not? A. I could not tell who got it.

Q. Who in headquarters? A. That I could not tell, sir.

Q. Your understanding was that it did go to headquarters?
A. I could not tell who got it.

By Senator Bradley :

Q. That is your understanding?

By Chairman Lexow :

Q. That it went to headquarters? A. Well, I suppose so.

Q. This drawer was not locked, was it? A. No, sir.

Q. Was open? A. Yes, sir.

Q. Did anybody excepting a person from headquarters have a right to go to that box or drawer? A. Yes; we all had a right to go to it; the sergeants at the desk.

Mr. Goff.—I wish to excuse the sergeant for awhile I have one or two witnesses I want to call. Is Dr. Wright here? (Here). Just take the chair.

Dr. Joel Williston Wright, called as a witness on behalf of the State, being duly sworn, testified as follows :

By Mr. Goff :

Q. You are a physician, Dr. Wright? A. I am so called; yes, sir.

Q. You are attending John Martin? A. Who, sir?

Q. John J. Martin, are you? A. Martin; yes, sir.

Q. John Martin; have you sent down a certificate? A. I made a certificate, sir, three or four days ago, as to his condition.

Q. What is his condition, doctor? A. Mr. Martin is paralyzed on the left side.

Q. Is it partial or whole? A. It has been complete.

Q. Complete? A. Yes, sir.

Q. What is it, a first, second or third attack, so far as you know? A. Second.

Q. Do you know when he received the first stroke? A. I can not give you the date, sir.

Q. As near as you can? A. I understand this is the second one since the first time.

Q. Of this year? A. Yes.

Q. Did you attend him on the first occasion? A. No, sir.

Q. How long have you been in attendance upon him? A. About four weeks.

Q. Has he been confined to bed all the time? A. To bed and chair.

Q. Unable to leave his house? A. Yes, sir.

Q. He is unable to move around? A. Unable to move except three or four or two or three men move him.

Q. Of course of his own motion, I mean? A. He can not move, sir.

Q. Is his life imperiled in his present condition? A. To a certain extent, sir.

Q. It does not necessarily follow, does it, doctor? A. It does not necessarily follow, no, sir.

Q. That is, you do not regard the second stroke of paralysis as necessarily fatal in its results? A. No, sir.

By Senator O'Connor:

Q. Is his speech affected by this paralysis? A. Slightly.

Q. Would it be dangerous and detrimental to his health to examine him at his house? A. Yes, sir.

By Mr. Goff:

Q. It would? A. Yes, sir.

Q. It has been a little detrimental to you to come down here; has it not? A. Very much so indeed.

Q. In fact, you would much rather this committee and counsel were engaged in laying bricks than engaged at this work; would you not? A. Yes, sir; it has broken up the whole days' work to me.

Q. And that is what you say, it was better for this committee and this counsel to be laying bricks than this work? A. No, sir; I did not say that.

Q. Will you swear you did not tell the man that that subpoenaed you? A. Yes, sir.

Q. Or any other words in substance to that effect? A. I will tell you what I said.

Q. Tell us? A. My remarks were with reference to the man that subpoenaed me, and not this committee at all.

Senator O'Connor.—Speak it out, doctor, we can stand almost anything?

Mr. Goff.—Go ahead, doctor?

A. I will tell you exactly what I said; I said to the man that subpoenaed me that I would rather go and lay bricks in the street than be engaged in as mean a business as that was—he not the Lexow committee, but this man that subpoenaed; this man brought a subpoena to me in the middle of the day when I was just through my office hours, and had half dozen important engagements for the afternoon, and it has broken up my day.

Q. That man that subpoenaed you was armed with a process of the Senate of this State? A. I know.

Q. And he was deputed by the Senate of this State to perform that service; and it was just as honorable a performance as your physician's duties? A. That may be.

Q. And do you think that was proper language for a man that ought to be a gentleman to use to the messenger or deputy sergeant-at-arms of this committee? A. If you had been annoyed to the extent that I have you would have some conception —

Q. You have no conception of what annoyance is? A. I am not speaking of your committee.

Q. Don't you think if this committee thought it of sufficient importance to send a subpoena to you, that it was your duty as a good citizen to obey that subpoena without making any remarks? A. It might have been if I had not been a physician and engaged for several important engagements; I think that ought to have an important bearing and give a certain amount of leeway anyway.

Q. You should have no more than lawyers or anybody else? A. Do you not know what it is, sir, to have an important surgical operation appointed at 2 o'clock in the afternoon and have a subpoena come that means come or be taken; one or the two, or be fined.

By Chairman Lexow:

Q. We have done this for nine months in the interest of the State and you can not give up nine hours apparently? A. I know, sir; I have before now paid out \$200 in the winter to see a charitable patient at the hospital.

By Mr. Goff:

Q. What surgical operation did you have on to perform this afternoon? A. I don't think that that concerns you, sir.

Q. You have said that you had one? A. I do sir.

Q. Had you one? A. I had sir.

Q. You regard that as a professional secret, do you? (No answer.)

Q. You did not give the subpoena server a fake story, did you? A. I did not; I am not in the habit of giving fake stories to anybody.

Q. I only wanted to know whether it was true or false? A. I am not in the habit of giving false statements to anyone.

Q. Do you swear you had an engagement to perform a surgical operation this afternoon? A. I do.

Q. What? A. I do.

Q. You know the surgical operation we are performing here is of greater importance to the State than to your patient? A. That may be.

Q. Have you stated, doctor, fully, in answer to the question of Senator O'Connor, whether or no an examination of Mr.

Martin in his room would be injurious to him? A. I have stated, sir.

Q. What was your statement, please? A. That it would be injurious.

Q. Would it be dangerous? A. Very.

Q. To what extent? A. Possibly would cost the man his life.

Q. Is there another doctor in attendance besides yourself?
A. Not that I am aware of.

Q. You are the only one; what advice have you given to your patient or to his family as to his probable recovery? A. I have made a hopeful prognosis, sir.

Q. What has been your prognostication? A. Hopeful; not positive, but hopeful.

Q. Doctor, we never arrive at the degree of positiveness in anything; your profession is not an exact science any more than anything else? A. Not in medicine; no, sir.

Q. How is the patient's appetite? A. Well, sir, I may say it is fair, only.

Q. So you say that to examine him or to interview him upon any matter would be dangerous to his life? A. I do.

Q. And yet, doctor, he has undergone some interviews, and his life has been spared? A. I know nothing about that, sir.

Q. Then doctor, it is a fact that Mr. Martin was sitting behind his bar and being interviewed by a World reporter when the subpoena of this committee was served upon him, and yet he is living; how does that conform to your prognostication; what?
A. I do not see that it classes with it at all.

Q. You do not see that it classes? A. No, sir.

Q. But if you say an examination before this committee would be prejudicial to this man's recovery, dangerous to his life, how is it that he has undergone an interview down in his barroom? A. I do not know that, sir; I am not informed to speak.

Q. If such is the fact you are not in full knowledge of your patient's condition? A. I am, sir, as far as I know.

Q. But you have stated he is not able to move with the exception of the help of three or four men in his room; yet he has been in the bar-room? A. He may have been carried down stairs in a chair for all I know.

Q. Would that be injurious? A. Not exactly.

Q. Have you advised him that an examination would be pre-

judicial to him, or to his hopes of recovery, or injurious to his life? A. I don't think I have advised him personally, sir.

Q. Who have you advised? A. His attendants.

Q. Who are his attendants? A. His mother for one, and a gentleman by the name of Wallace for another.

Q. Did they ask you; did those persons, attendants, ask you if such an examination would be dangerous to his life? A. I don't know that they asked me that question in so many terms; but it was my general order before I knew that Mr. Martin was in any way connected with this committee; I knew nothing about that until a few days ago, sir.

Q. What was your general order? A. It was my general order that Mr. Martin was not to be interviewed on any business matter whatsoever.

Q. That was before his name came out in connection with any disclosure before this committee? A. I say I am as innocent of any knowledge as a child, of any knowledge that he had anything to do with this matter.

Q. We only want to get at the fact of the physical condition of your patient? A. Will you allow me to make a statement; I was called to see this gentleman as I am to any other patient, and he, as a patient, I am bound to protect to the fullest extent of my ability against anything that is prejudicial to his recovery; I knew nothing about his relations to this committee whatever, and I issued a general order based upon his condition that he was not to be annoyed with any business at all, that he was simply to be kept quiet in his room and moved from his bed to his chair as a matter of rest and change; and that he was not to be interviewed about business matters, even in his own business, at all; that was the character of my order, sir.

Q. I assume to take you as an honorable physician, and treat you as such; you do not object to having a physician appointed by this committee to go with you and examine Mr. Martin as to his capacity to withstand an examination, as to his physical capacity? A. I will meet any gentleman that is a regular physician in consultation with Mr. Martin's case, as I would in any other.

Q. To visit Mr. Martin? A. Yes; if that is the —

Q. When did you last see Mr. Martin? A. If that is Mr. Martin's request.

Q. No, not Mr. Martin's request.

By Chairman Lexow :

Q. Your request? A. I do not request.

Q. I say, we, the committee requests.

By Mr. Goff :

Q. It is not a request; they had the right to demand; I put it in the polite phrase to you; now doctor, are you willing to meet any regular practitioner of this city—regularly established practitioner of this city, and to consult with him, and examine Mr. Martin's condition, and report to this committee as to his capacity to withstand an examination, are you? A. I am willing to meet any regular physician, sir, in a regular consultation of Mr. Martin's case; I always allow that privilege to any patient.

Q. Do not let us go behind the word consultation; a consultation such as you might prepare to the consulting physician? A. I am not foxy enough for that.

Q. We have it in its full bearing, now, that you are willing to consult, in the broadest sense of the term, with any regular practicing physician in this city in relation to Mr. Martin's case, as his physician? A. I am, sir; if that is the wish of his family.

Q. Oh, no, not the wish of his family; it is the wish of this committee. A. I consider my interest as with Mr. Martin; I have nothing to do with this committee; Mr. Martin is my patient, and I am bound to protect him to the fullest extent of my ability against anything going to prejudice his life.

Q. We do not even suggest to you to do anything of that kind; and I ask you — we simply try to reach a conclusion that is fair to Mr. Martin and advantageous to him as your patient; and I assume, the most professional method to do that is to have associated with you a physician selected by this committee, and let you and that physician consult and advise this committee as to Mr. Martin's condition, don't you think that is a fair way to proceed? A. I would not be willing to put myself on record as having agreed to any consultation with any gentleman that this committee might select without my knowing who he was.

Q. A regular practitioner of good standing? A. I will meet any regular practitioner in good standing to consult in Mr. Martin's case looking to the indorsement of the statement I have made that Mr. Martin is not fit physically to be interviewed on business matters.

Q. Well, not looking to an indorsement; we do not want you to consult with a doctor with a prearranged view or understanding as to whether your statement will be indorsed or not?

A. I do not mean that at all, sir.

Q. If you don't mean it, I am glad you say so.

By Chairman Lexow:

Q. If Mr. Martin is not in condition to appear here we don't want him here; if, on the other hand, he is in a condition to appear here we would like that fact authenticated, not only by your testimony, but the testimony of some physician appointed by this committee to ascertain that fact for it; that is all there is to the question; it is a question to decide, whether you will or not aid this committee, or stand against it? A. I would not stand against it; but it looks as though my opinion was not worth anything in the matter.

By Mr. Goff:

Q. Not at all; you ought to be a reasonable man; you are the physician of this patient? A. I am, sir.

Q. And it is but reasonable that this committee should have sufficient medical testimony to justify it in whatever action it may take?

Senator O'Connor.—Besides it is done every day; every court has a right to send an independent physician.

By Mr. Goff:

Q. If Dr. Wright — A. I have nothing to conceal in this matter; I am attending Mr. Martin, as a private patient, and my relation is simply that of doctor and patient; now, if you or somebody else came in there and wanted to interview about a lot of stocks I would try to protect him.

Q. We are perfectly satisfied not only of your ability as a physician to protect him, but also as to your good faith? A. I am as innocent as a child of any wrong act.

Q. Don't you think your patient may be imposing upon you? A. No.

By Chairman Lexow:

Q. Don't you think it is strange he should submit to an interview with a World reporter, and on the succeeding day be unable to submit to an examination? A. I don't know; I know Mr. Martin has been taken out of bed and put in a chair, and according my orders, to divert him, perhaps carried him downstairs bodily.

Q. When did you see him last? A. Yesterday.

Q. You have not seen him to-day at all? A. I saw him late yesterday afternoon; I don't know that he has been interviewed by a World reporter or anybody else.

By Mr. Goff:

Q. Let us settle the matter here; we have a well known physician in the court-room here; it is the first time I have ever seen him here; he has been on the visiting list, if not the head of the consulting surgeons of Gouverneur Hospital; I called upon Dr. Ward? A. I am a consulting surgeon of Gouverneur Hospital.

Q. That is very fortunate—the two consulting surgeons of the Gouverneur Hospital; there can be no question about that? A. I would be willing; I have known Dr Ward for a great many years, and I know him to be a man of the most unqualified integrity; and I know that Dr. Ward would not give an opinion about Mr. Martin based upon anything else under the sun except the actual fact, and that is what I have given you my opinion upon, sir; now, sir; if you will appoint Dr Ward to go and see Mr. Martin with me, if there is a necessity for that sort of thing, I will be delighted to meet Dr. Ward.

Mr. Goff.— Does the committee so designate Dr. Ward.

Chairman Lexow.— Yes; if Dr. Ward will undertake the duty of representing the committee on that subject.

Dr. Ward.— If you so desire, I will do so, sir.

Mr. Goff.— The committee so desires.

The Witness.— If he did not tell you as a physician — now I am talking upon Dr. Ward's well-know honesty, you know; it is proverbial the world over; Dr. Ward never did an incorrect thing in his life that I know of, or anybody else; I am arguing on the basis that Dr. Ward will tell you, as I have told you. that that man, paralyzed as he is on one side, his arm and hand absolutely helpless, he could not lift a feather with his right hand

and the most he can do with his left leg is to make a little motion of his toes, and no power whatever; if Dr. Ward does not tell you as a physician that that man is not in a condition to go through the excitement of an interview of a business character — understand I know nothing about the business relations — I will agree to say I do not know anything about it.

Mr. Goff.— Now, Dr. Ward, will you see Dr. Wright and appoint a time of meeting with him, when you can perform the duties assigned to you by this committee; I am glad to see you here in the court-room by accident; what brought you here anyway.

Dr. Ward.— It is my first visit.

Chairman Lexow.— Perhaps Dr. Ward will be able to do it now.

Mr. Goff.— That will do Dr. Wright; you see Dr. Ward and consult with him; you can go now.

Sergeant John J. Taylor, recalled, testified as follows:

By Mr. Goff:

Q. Is it not a fact that when the reports from the various precincts go to headquarters, those reports have to go through the inspector's hands? A. Yes, sir.

Q. The inspector having charge of the district? A. Yes, sir.

Q. Now, when this envelope was left in this drawer it was left alongside of reports that the inspector was supposed to look at, was it not? A. No; they were old reports; they had been put away there; we would copy them in the book sometimes and put them in that drawer.

Q. Now, the committee are particularly interested in this phase of the case; how was it that you knew that that envelope would reach the hands of the person to whom it was intended to go unless you had some understanding with that person? A. I did not, sir.

Q. What? A. I swear I had no understanding after Steers. Senator Bradley.— That is not the question.

By Mr. Goff:

Q. After Steers; well, is it possible that you would conduct such a very delicate transaction as that without having some

understanding and knowledge for your own protection if nothing else, as to where that money should go? A. I had no other understanding than what I told you.

Q. Now, you know that if you had not turned over that money that you had collected you would have been called to an account for it; would you not? A. Well, that I would not swear to.

Q. But, don't you think that was the reasonable condition under which you collected that money, was it not? A. I would suppose so; I can not swear to it.

Q. You understood that it was known to whoever was interested in the collection of that money that you did not collect it to keep it all for yourself? A. Yes, sir.

Q. Therefore, some of it must have been intended to go to somebody else? A. The reputation of Inspector McAvoy in the police department, so far as I have ever heard of him, he has got an excellent one, and I did not think he would take anything of that sort.

Q. He must have taken that envelope; somebody took it? A. I can not swear to that, Mr. Goff.

Q. You found every time you went to that drawer and put an envelope there, you found the envelope you put in for the preceding month was not there? A. Oh, no.

Q. That envelope had disappeared? A. Yes, sir.

Q. Is it possible that one of the other sergeants in the precinct there would have taken the envelope? A. No, sir; I don't think they would.

Q. Is it possible the captain would have taken the envelope? A. I do not think he would; I can not swear to that.

By Chairman Lexow:

Q. Did you continue to indorse it "Street cleaning report?" A. Yes, sir.

By Mr. Goff:

Q. But, sergeant, this envelope indorsed "Street cleaning report" was intended to go into the hands of some superior official, was it not? A. Well, I know with my dealings with Steers I suppose it was.

Q. Go into the hands of some superior officer? A. Yes, sir.

Q. Was this one of the departmental envelopes? A. Yes, sir.

Q. With the printing on the corner? A. Yes, sir.

Q. "Police department?" A. Yes.

Q. One of the regular, what we call the "official" envelopes used in the station? A. Yes.

Q. Was it a large envelope or a small one? A. A large one.

Q. A similar envelope in which were contained the reports sent to headquarters? A. Not so large; one that we put the court returns in to send to court; we had two large envelopes; one is a very large one to put all the returns in, and the other is what we call the "court," to put the court returns in.

By Chairman Lexow:

Q. Inasmuch as you, when you were acting captain, took those returns yourself to headquarters, when you deposited them afterward in a box, didn't you assume that the captain who took your place was doing the same thing? A. I could not swear to that.

Q. Was that not your assumption; didn't you put them there for that purpose? A. They were put there to disappear.

Q. And disappear in the same way that you made them disappear while you were acting captain? A. I don't know.

By Senator O'Connor:

Q. Where did you expect they were going to disappear to; you were not putting them there for fun? A. No, sir.

Q. Where did you expect them to go to; who did you expect was going to get it? A. I could not swear to that.

Q. I am not asking you to swear to anything except your own expectation and understanding? A. I expected some superior officer to me would get it.

Q. What superior officer; the captain of the precinct? A. I could not say, sir.

Q. Who did you expect; who did you make up your mind was going to have it? A. From the reputation of Inspector McAvoy I did not think he would do anything of that sort.

Q. Who did you think would get it? A. That I could not say.

Q. You had some idea of it; did you not? A. I supposed it went to headquarters.

Q. What do you mean by headquarters — the police commissioners? A. I mean at police headquarters; I could not tell who it was.

Q. The police headquarters; that is the captain of the precinct?

Mr. Goff.—No; that is the Central headquarters.

By Chairman Lexow:

Q. There were only two sets of officers to whom it could have gone; either the police commissioners, or the police inspectors; now, inasmuch as you supposed it was going to police headquarters, which one of those two classes of officers did you expect it was going to? A. I could not swear to that, sir.

Q. You must have had in your mind that it was going to either the commissioners; which was it? A. I could not tell which.

Q. Didn't you have any idea? A. From the reputation of Mr. McAvoy I did not think he would take it.

Q. Then you thought the commissioners were getting it? A. Somebody was getting it.

Q. Wasn't that your judgment, the commissioners were getting it? A. I couldn't say that.

By Senator O'Connor:

Q. You don't want to have this committee believe that you were collecting this money and allowing it to disappear without any idea of where it was going, do you? A. I am telling you the truth, sir.

Q. We are not asking you whether you saw the captain or inspector get it; but when you placed the money you describe here, you expected it was going somewhere? A. Yes, sir.

Q. And you had some idea of where that was? A. That is a pretty hard idea to have, an idea to accuse anybody.

The Chairman.—We only want your idea.

Q. We want to know your idea, and then we will make up our idea.

By Chairman Lexow:

Q. What was your idea; we do not ask for the fact; but what is your idea; what was it? A. That is a pretty hard question.

Q. To commissioner or inspector, which? A. That is a pretty hard question for me to decide.

Q. You must have had some idea about it? A. Yes, sir.

Q. What was that idea? A. Well, I had this idea, that I could not tell for certain who received it.

By Senator Bradley:

Q. You knew it was not the doorman that was going to get it; didn't you? (No answer).

By Chairman Lexow:

Q. If you fail to be candid on a subject of this importance, it throws a cloud on your entire testimony; you have been accepted as a witness on behalf of this committee of the State of New York because we believed you were going to make a candid statement of the facts in your knowledge? A. I have, sir.

Q. What is the use of obscuring your entire testimony by failing to state to this committee a question or matter of that importance; we are asking you from your knowledge of the circumstances and conditions what was your idea as to where that money was going after you deposited it in that drawer; where was it going, according to your idea; that is all we want to know; now, come out with it like a man; what is the use of keeping the whole committee and everybody else waiting? A. I would be very happy to do it, but my ideas — it is a hard idea of anybody; I might be wrong.

Senator O'Connor.—Tell us what it was; we will take the chance of its being wrong; tell us what was your impression or understanding as to who got that money?

Q. Don't you think if that money had disappeared out of that drawer through the hands of a patrolman who was not entitled to it, you would have heard of that disappearance before long? A. I should think so.

Q. Who did you expect to hear from if such a thing occurred? A. I never heard anything.

Q. Who would you have expected to have heard from if that money had improperly disappeared and not gone into the proper hands; who would have called you down? A. Well, I don't know as anybody could call me down on that.

Q. Do you mean to say that you could have pocketed that money for months without going through the proper channels, and that you would not expect to be called down by some superior officer for doing it? A. I have no experience in that direction.

Q. You would expect that, would you not? A. Yes.

Q. Who would you expect to call you down? A. I would expect —

Q. After Steers? A. After Steers I could not say.

Q. The man who took his place? A. Well, his reputation as a man —

Q. Outside of his reputation as a man you would have expected to be called down by him, would you not? A. Yes.

By Mr. Goff:

Q. I see there were other reports made too called "Street cleaning reports;" were there not? A. Yes, sir.

Q. And envelopes containing those reports? A. Yes, sir.

Q. These reports were of streets that had been cleaned or not cleaned? A. Yes, sir.

Q. You were bound to show that to the department? A. Yes, sir.

Q. What official's duty was it to examine those reports? A. The sergeant at the desk; you mean in the station-house?

Q. Yes, that the men brought in off the streets?

Q. The reports? A. That went to the inspector; all reports go to the inspector.

Q. Now, then, these reports that were made up in the station-house of the streets that were cleaned and not cleaned, they were put into an envelope, were they not? A. Yes.

Q. Were those envelopes marked "Street cleaning reports?" A. No; they were marked "To inspector of the district."

Q. To the district inspector? A. Yes.

Q. Were there any envelopes indorsed "Street cleaning report," that contained reports of streets that have been cleaned and streets not cleaned? A. That went to headquarters.

Q. That went to headquarters, yes? A. No.

Q. Was it not the practice there that as soon as reports were made up of the streets cleaned that those reports were put in an envelope and marked "Street cleaning reports?" A. We always put them all in one large envelope, and not — we do not separate the returns.

Q. And directed that large envelope to the inspector? A. To the inspector; yes, sir.

Q. Was this envelope containing this money put into that large envelope with the other returns? A. Not that I know of.

Q. Was it put into the drawer where that large envelope was? A. No, sir.

Q. Whose duty was it to put papers in that large envelope? A. The sergeant made out the returns.

Q. The sergeant? A. Yes, sir.

Q. Then it was your duty to put those papers into that large envelope? A. Yes, sir.

Q. It being your duty to put those papers in that large envelope directed to the inspector, did you not put this envelope inside of it? A. No, sir.

Q. Did you put it alongside of it? A. No, sir.

Q. Did you ever see that envelope removed from that drawer? A. No, sir.

Q. Did you ever see that drawer straightened out by any other person than yourself? A. I don't know as I did.

Q. Who has access to that drawer? A. The sergeant behind the desk.

Q. Who were the sergeants there; we will run this down now if it takes all the year.

Chairman Lexow.—And the captain, too.

By Mr. Goff :

Q. Who were the sergeants? A. Sergeant Byrne and Sergeant Reed.

Q. What other sergeant? A. And Mead.

Q. And yourself? A. Yes.

Q. And three sergeants? A. Yes, sir.

Q. What other official at the station-house had access to the drawer? A. The captain.

Q. Any other official? A. No, sir.

Q. Now, we have it between four men, of which you are one of the four; are those three sergeants in that precinct now—those two sergeants? A. Yes, sir.

Q. Well now, sergeant, whatever benefit you may have obtained, or whatever immunity you may have secured for yourself by your testimony here to-day upon the witness stand, do you wish to destroy the whole of it? A. No, sir.

Q. The chairman told you at the opening of your testimony that the State guaranteed certain immunities and privileges to persons testifying, on the condition that they did not commit perjury in relation to the matter? A. Yes, sir; and I embraced it.

Q. And if an untruth was told that all immunities and privileges were wiped away? A. Yes.

Q. Do you wish to destroy all your immunities and privileges? A. No, sir.

Q. Have you had any conversation with any person or any official looking to the view of protecting anybody's name before this committee? A. No, sir; any official?

Q. In the precinct; anybody?

By Chairman Lexow :

Q. Has anybody asked you to keep out any name in your testimony here? A. No, sir.

Q. Or protect anybody's reputation? A. No, sir.

By Mr. Goff :

Q. Have you promised you would suppress any one's name? A. No, sir.

Q. Have you been approached or requested directly or indirectly to suppress anybody's name? A. No, sir; I am giving you the whole story since I sat in this chair just as it was; and I can not do any more, Mr. Goff.

Q. We do not question you, sergeant, up to that point of the envelope; we must confess, however, our disappointment at your inability or unwillingness, which ever it may be, to explain the disposition of that envelope? A. It is inability.

By Chairman Lexow:

Q. Was it not this that while you were acting captain it was your duty to carry that money to the inspector? A. Yes.

Q. Just as soon as you ceased to be acting captain, when you put that envelope in that box, it became the duty of the captain to take that money and transfer it through the proper channel; did it not — the captain that took your place — you were acting captain of police, and the duty of the captain that took your place was to take the envelope to the proper place? A. I could not say he done that.

Q. Was that not your understanding that he did do that? A. I could not swear to that.

Q. I think it is pretty evident what the situation was; the fact was that even while you were acting captain the envelopes

that you sent out with official business directed to the inspector were kept apart from the envelope containing the money? A. Yes, sir.

Q. So that you sent out the one envelope containing official business, and yourself personally as acting captain carried up the envelope containing the money? A. Yes, sir.

Q. And that was done by your successor, was it not? A. That I can not swear to.

Q. Was it done by your predecessor; you know that, don't you, because you did what he did?

Senator Bradley.—You said that was your orders.

By Chairman Lexow:

Q. Captain Cassell? A. I don't know what he done.

Q. Don't you know you did just what he did? A. I never knew what he done; I had my orders what to do.

Q. Did the inspector say you were doing just what the captain that had taken your place did? A. In regard to the police duties?

Q. In regard to the handling of this money, you were doing what your predecessor had done? A. He did not say those words.

Q. But substantially the same? A. Yes; he told me about the money, and I took it there to him.

Q. And didn't he tell you that your predecessor there had done the same thing; that he was simply asking you to do what your predecessor had done before you; that is a fact? A. That is about the way of it.

By Mr. Goff:

Q. You deducted 20 per cent., you say, while you were acting captain there? A. Yes.

Q. What did you do with the 20 per cent. you deducted after Captain Allaire assumed command? A. Well, I kept it.

Q. What? A. I kept it for my own use.

Q. You kept it for your own use? A. Yes, sir.

Q. And you continued every month to deduct the 20 per cent? A. Yes, sir.

Q. And then put the balance in the envelope? A. Yes, sir.

Q. Did the average continue about the same? A. Yes, sir; It was barely, you know, sometimes a few dollars; but it averaged about the same.

Q. About the same? A. Yes, about the same.

By Chairman Lexow:

Q. These moneys that you collected, were they simply the collections made on the docks? A. As far as I know of, sir; yes, sir.

Q. When you made the collections yourself, did you collect anything more than the moneys coming from these docks? A. No, sir.

Q. That was all? A. That was all.

Q. That was the only source of the fund you paid over? A. That is all, and from the policemen on the docks.

Mr. Goff.—Sergeant, you will excuse me for the present.

Chairman Lexow.—Do you want the sergeant to stay in the court room.

Mr. Goff.—Not to-night.

Chairman Lexow.—You are excused for the day. Come tomorrow morning.

Mr. Goff.—Yes.

Chairman Lexow.—Sergeant, be here to-morrow morning at half-past 10 o'clock; and in the meanwhile do not speak of your testimony with anybody; do not converse with anybody about it.

Mr. Goff.—We have had a pretty long day of it, but there is a letter that I would like to get hold of. I do not know that it is in the line of our business just now, but I think we may possibly make it advantageous at the time.

Jacob Klemus, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. Where do you reside? A. No. 76 Eldridge street.

Q. Tell me your residence; we did not hear you before? A. No. 76 Eldridge street.

Q. Raise your voice so we all can hear you; how long have you been residing there? A. I have been residing in this house about the second year; I live across the street two years, that is going on four years I am living in the district.

Q. What is your business? A. Painter.

Q. Were you working last election day; I worked in the store in 76 Eldridge street.

Q. Who keeps that store? A. The store was empty.

Q. Who employed you to work in that store? A. Mr. Baumann.

Q. Who is Baumann? A. He is agent of those houses.

Q. What did he employ you to do? A. To fix up the store and kalsomine the ceilings and paper the walls.

Q. While you were at work at that store were you visited by any person; did a man come in to see you? A. A fellow by the name of Benjamin came into the store.

Mr. Goff.—Is ex-Alderman Benjamin in court? He was here to-day. Is Mr. Benjamin here? Mr. Benjamin (no answer). When he heard the name he got out. Philip Benjamin? (He does not appear or answer.)

Q. Well, what did this man named Benjamin say to you? A. He said not to commence to work; it was early in the morning; Mr. Benjamin said not to work and he would pay us for the day and leave me stay inside the store; and I went to the housekeeper and I told what Mr. Benjamin said, stay in the store; and he paid the housekeeper \$3 for the store for the day.

Q. What were you to do in the store? A. I was to do in the store and kalsomine the ceiling and paper the walls.

Q. What were you to do for Benjamin? A. I was standing inside in the store.

Q. What was the store hired for? A. To hire to show some persons the way to vote.

Q. Did you see Benjamin pay the housekeeper \$3? A. Yes, sir.

Q. What did Benjamin say? A. To him; to me?

Q. To the housekeeper in your presence? A. He didn't say nothing; he took out the money and gave it to her.

Q. Did you remain in the store? A. What?

Q. Did you remain in the store? A. Yes, sir.

Q. Did you see Benjamin during the day? A. Benjamin; no.

Q. Did you see Benjamin? A. To-day?

Q. No; that day; election day? A. I did see him.

Q. While you remained in that empty store? A. Yes, sir.

Q. How many times did you see him? A. He was quite the whole day there.

Q. Did Benjamin give you any money? A. He gave me about four or six times; I could not tell you exactly.

Q. Did he give you money each time? A. Each time he gave me \$2 to give to fellows.

Q. He gave you; I want you to be careful about this; he gave you four or five times \$2 each time? A. Two dollars each time to give to fellows.

Q. What for? A. He only handed me the one and said, "Give it to that fellow."

Q. Did he point out the man you were to give the money to? A. He only showed it to me, "Give it to this man."

Q. Whenever Benjamin gave you the \$2? A. And the man was waiting in the other room; there was a store and two rooms in the back, and the man was waiting in the other room; and he, Benjamin, handed me \$2 and said, "Hand it to the man," and I handed it.

Q. Who was the man? A. I don't know; some fellows I know; some fellows I gave the money I knew.

Q. You knew some of the fellows? A. Yes, sir.

Q. Give us the name of some of the fellows? A. One is here as a witness.

Q. Is that the man (indicating a man who stands up)? A. Yes.

Q. Did you give him \$2? A. Yes, sir.

Q. What did you give him \$2 for? A. Benjamin told me to give it to him, and I gave it to him.

Q. Was Benjamin bringing men into the store and telling you to give the men \$2; Benjamin was bringing men into the store and giving you money to give to these men? A. Yes, sir.

Mr. Goff.—Is Mr. Falk here?

Q. Is that one of the men you gave the money to? A. That is not the man I gave money to; I did not give this fellow the money.

Q. What had this man done? A. This man went out afterwards, and I took out the paster from my pocket, and I give it to the man, and said, "Don't go on that paster that Benjamin give you; here is my paster what I got, go and put on that paster."

Q. Did Benjamin give these men a paster? A. Yes, sir.

Q. A paster ballot? A. A paster ballot.

Q. Did you see him give them a paster ballot? A. Yes, sir.

Q. Did you see him give this man here; what is his name, Klein? A. Yes, sir.

Q. Did you see him give Klien a paster ballot? A. Yes.

Q. Did you see him say anything to Klein? A. He said, "Go and — go in the back room and get your money."

Q. He said, "Go and vote, and then you come back and get your money? A. No; not come back; "Go into the back room and you will get your money."

Q. "Go into the back room, and you will get your money?" A. Yes, sir.

Q. Did Klein get his money before he went into the back room?
A. No, sir.

Q. Or before he went voting? A. Before he went voting.

Q. Did you see any of them after voting? A. No; I didn't see it.

Q. You say that you gave them in your pasters? A. Yes, sir.

Q. How did you come to give them in your pasters? A. After one fellow, a good friend of mine, he had some pasters for the Republican party, and I always vote the Republican ticket and I give him the pasters to vote, always Republican.

Q. So we have that condition now, that Benjamin was buying these men at \$2 a head, and giving you \$2 to vote the Democratic ticket? A. It would be that way.

Q. And then you turned around and gave them the Republican ticket to vote? A. Yes, sir.

Q. How long did you remain in the store? A. Who; me?

Q. Yes? A. I lived upstairs, and the store was downstairs.

Q. You remained there all day? A. I remained there the whole day.

Q. When you got the \$2 from Alderman Benjamin to go into the back room, and you saw him give the man the pasters, you went into the back room, and when you gave him the \$2, you gave him the Republican paster? A. I gave it to him in the hall.

Q. And just a little after you gave him the \$2? A. Yes, sir.

Q. Now, we would like to know how many of these men to whom you gave the Republican paster, and to whom you gave the \$2 to vote the Democratic ticket, how many said they would vote the Republican ticket? A. I will tell you what I know of names: Alexander Goldstein; this fellow is three; and the other two fellows, I don't know their names.

Q. Three fellows — A. Three fellows; I know their names.

Q. Five altogether? A. Yes, sir.

Q. Three you know the names of? A. Three I know the names of.

Q. Did each of these fellows say they would vote the Republican ticket? A. Yes, sir.

Q. After taking the Democratic \$2? A. Yes, sir; the Democratic paster they tore up and put that paster in their pockets.

Q. There were some other men handling money around there, were there not? A. There were more fellows; I don't know the names.

Q. Do you know a man by the name of Monkey Davis? A. Monkey Davis was over there in the store.

Q. What was he doing, helping Benjamin? A. Helping Benjamin.

Q. Helping Benjamin to give out this money? A. Not money; he took some people in the store.

Q. Do you know a man by the name of Dennison, Benjamin's son-in-law? A. I don't know him; I saw him that time the first time.

Q. But you know that was one of the men that was bringing the men in the store? A. Yes, sir.

Q. Some of the people there didn't get the money until after they voted? A. Afterward.

Q. From whom did they get it after they voted? A. Some fellows had the money before they went to vote, and some fellows afterwards.

Q. So that you gave some the money after they voted? A. I went out in the hall, and every man that went out from the store I took his ticket away and I gave him always a Republican paster.

Q. What did those men say when they went into Benjamin's? A. They didn't say anything; he had only a paster like this and showed them the way to fold the ballots, and after he went into the back room, Benjamin sent him in his money.

Q. How many people were paid on that day, do you know, to the best of your knowledge? A. I couldn't tell you sure.

Q. How many do you think? A. More than 100, I know sure.

Q. More than 100 were paid in that store? A. In that store.

Q. I want to get the names of those people to whom you gave the money after they voted; do you know Alexander? A. Yes, sir.

Q. J. Alexander? A. Yes, sir.

Q. Eighty-three Eldridge street? A. Yes, sir.

Q. Did you give him money? A. Yes, sir.

Q. Two dollars? A. Two dollars.

Q. After he voted? A. No; he took the four.

Q. Who gave you that \$2? A. Mr. Benjamin.

Q. What did Benjamin tell you to do, to give it to him? A. To give it to him.

Q. Did you give to Solomon Goldstein? A. Eighty-three Eldridge?

Q. Yes. A. Yes, sir.

Q. You gave him \$2? A. Yes, sir.

Q. Did you get those \$2 from Mr. Benjamin? A. Yes, sir.

Q. To give to this man on account of his vote? A. I don't know what it is; I understood it is on account of his vote.

Q. But you say you gave him a paster? A. Yes, sir.

Q. Did you give \$2 to Abraham Levenson of 74 Forsythe street? A. No, sir.

Q. Did you know him? A. I know him; I didn't give him no money; he only brought some people in there.

By Senator Bradley:

Q. How much money did you get yourself? A. Not a cent.

Q. For all your work? A. No.

Samuel Rothdeck, a witness called on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. Where do you reside? A. Seventy-four Eldridge street.

Q. Did you vote last election? A. Yes, sir.

Q. Did you see ex-Alderman Philip Benjamin? A. Yes, sir.

Q. Did you know him? A. No, sir.

Q. Well, you know the man to whom I refer now? A. Yes, sir.

Q. You met him then? A. Yes, sir.

Q. Where did you meet him? A. Seventy-six Eldridge street, in the store.

Q. What did he say to you? A. I went to the store; he called me in; I went in; he asked me if I knew how to fold my ballots; I said, "No;" I walked in the back room, and he gave Mr. Klein \$2, and I went out in the hallway, and he gave me \$2 and I went away.

Q. You say he went down to the back room? A. Yes, sir.

Q. When he gave you the \$2, what did he say? A. He didn't say anything to me about—he handed that gentleman the paster; he handed Mr. Klein the paster and the \$2.

Q. What did Mr. Klein do with the paster and the \$2? A. He gave me the \$2 and kept the paster.

Q. Did anyone ask you to vote the paster? A. Yes, sir; he told me to vote the paster, but I didn't take the paster along with me.

Q. Who told you to vote the paster? A. Mr. Benjamin.

Q. Mr. Benjamin told you to vote the paster? A. Yes, sir.

Q. That Klein gave you? A. Yes, sir.

Q. And \$2 at the same time? A. Yes, sir.

Q. You didn't vote that paster, you say? A. No, sir.

Q. What paster did you vote? A. I didn't vote that; after awhile.

Q. You didn't vote at all? A. Yes; I voted about 12 o'clock.

Q. You didn't vote at that time? A. No, sir.

Q. Did you see Benjamin again? A. Yes, sir; in about half an hour.

Q. Did you go into the store again? A. I walked into the store, into the back room, and he gave me \$2 again.

Q. When he gave you the \$2 the second time did he ask you if you had voted? A. No, sir.

Q. Did he give you a paster? A. Yes, sir; he gave me a paster the second time.

Q. The second time? A. Yes, sir.

Q. Was it the same paster, similar to the one he gave you first? A. Yes, sir.

Q. What was that, the Democratic paster? A. The Democratic paster.

Q. Did he tell you to vote that paster? A. Yes, sir.

Q. And gave you \$2? A. Yes, sir.

Q. You took the \$2 and the paster? A. Yes, sir.

Q. What did you do? A. I walked out and went out for breakfast.

Q. You didn't go vote? A. No, sir.

Q. Now, we have got you that you got two \$2? A. Yes, sir.

Q. Did you see Benjamin again? A. In about half an hour.

Q. The third time? A. Yes, sir.

Q. What occurred the third time? A. I went in the store and he didn't seem to know me; I saw him paying two men; he pulled out a \$2 bill and he handed me again and he handed me a paster.

Q. This was the third time? A. Yes, sir.

Q. What did he tell you the third time? A. He handed me the paster and he said, "Go and vote."

Q. What did you do the third time? A. I went out and I had a drink, and I met a Republican leader and he gave me a paster and then I voted.

Q. You went and voted the paster the Republican leader gave you? A. Yes, sir.

Q. What did you do with the paster Benjamin gave you? A. I tore it up.

Q. What did you do with the \$2? A. Kept it.

Q. And the second \$2, kept it? A. Yes, sir.

Q. And the first \$2? A. Yes, sir.

Q. That was \$6 altogether? A. Yes, sir.

Q. And you didn't vote the ticket? A. No, sir.

By Senator Cantor:

Q. Did the Republican leader give you any money with the ballot? A. No, sir.

By Senator Bradley:

Q. How often did you vote that day? A. Only once.

By Mr. Goff:

Q. Now, you testified here that on each of these occasions Benjamin gave you \$2? A. Yes, sir.

Q. To vote a certain ticket? A. Yes, sir.

Q. Called the Democratic ticket; is that so? A. Yes, sir.

Q. And that was on the 6th day of last November? A. Yes, sir.

Q. And on each time you got the \$2 before you were supposed to vote? A. Yes, sir.

Q. And were these \$2 given to you by Benjamin in consideration that you would vote the paster he gave you? A. Yes, sir.

Q. And for that purpose? A. Yes, sir.

Mr. Goff.—This is a clear case. There are other witnesses to support this system of bribery that was practiced on that day at 76 Eldridge street in this empty store, and but for our time being so pressing I would go into it further; but I have brought sufficient so as to fasten the testimony here upon a direct active briber, upon a man who once held a public position in the city of New York, and I think it eminently proper that you direct that the testimony be sent to the district attorney for the purpose of being presented to the grand jury. The same man holds a public position now in this city. He is in the county clerk's office.

Chairman Lexow.—The stenographer is directed to make a copy of the testimony so that the testimony may be sent to the district attorney for such action as he thinks proper.

By Chairman Lexow:

Q. How old are you? A. Twenty-one; a little over 21.

By Senator Bradley:

Q. That was your first vote; was it? A. Yes, sir.

Q. Did you vote from the house you were registered from?

A. Yes, sir; 175 Eldridge street.

By Mr. Goff:

Q. Was it the same man each time that gave you these \$2?

A. Yes, sir.

Q. Did you change your clothing at all, or appearance? A. No, sir.

Q. You didn't? A. No, sir.

By Senator Bradley:

Q. Do you know many men in the neighborhood that voted more than once that day? A. No, sir.

Q. Or any men that voted there that had no right to vote? A. No, sir.

John Maret, a witness called on behalf of the State, being duly sworn, testified as follows:

Mr. Goff.—I would like that you instruct the sergeant-at-arms and his attendants, not to allow every seat in the court-room to be taken up before the opening of the sessions of this committee. The fact is that a number of persons came in early this morning and take up every available seat; so, that when witnesses come there are no accommodations; and I, myself, have been without a chair for day after day, because I have not had one to sit on.

Chairman Lexow.—It seems to me that the chairs around the counsel table ought to be all reserved for witnesses and counsel, except those used by the press. Of course, the members of the press have peculiar privileges.

Mr. Goff.—Well, even the representatives of the press have been hunting around here to-day. If a witness or an important person comes in that we want to consult with, they have not got even standing space.

Chairman Lexow.—You have heard that, Mr. Sergeant-at-Arms?

Sergeant-at-Arms.—Yes, sir.

Chairman Lexow.—And, will you see that that is rectified to-morrow morning? Senator Pound suggests, that at any time, you call, Mr. Goff, the attention of the committee to the fact that we will see that any breach of decorum of that kind is promptly remedied.

Mr. Goff.—Will you, please, Mr. Chairman, instruct all witnesses under subpoena, to report here in the morning at half-past 10 o'clock, without fail.

Chairman Lexow.—All witnesses under subpoena will appear here to-morrow morning at half-past 10 o'clock. The committee stands adjourned until that time.

Proceedings of the sixty-eighth session, Wednesday, December 19, 1894, at 10:20 a. m

Present.—Senators Clarence Lexow, Edmund O'Connor, Daniel Bradley, George W. Robertson, Cuthbert W. Pound. John W. Goff and Frank Moss, of counsel for committee.

Chairman Lexow.—Mr. Goff, the committee is ready, as soon as you are.

Mr. Goff.—We are at work, sir.

Mr. Moss offered in evidence the following affidavit, which was received by the committee, with the statement that Mr. John Barnard was subpoenaed, December 10th, and was present in court, but was not called:

“City and county of New York, ss.:

“John Barnard, residing at No. 58 Third avenue, being duly sworn, says: That I have known A. E. Costello from his boyhood, in Ireland and New York. We are schoolmates. Have resided in New York 30 years. Have been steward at the Brighton Hotel, Coney Island for 13 years. Also in hotels in Florida and elsewhere. Know Mr. Costello intimately as a friend and companion. Know him to be honorable in all his relations; a man to be trusted and believed.

“Met Mr. Costello in New Chambers street with Mr. Stanley six years ago, or thereabouts, as they were on their way to the First precinct station-house. Told me two of his canvassers were arrested and locked-up, and he was going to see them, and if possible, bail them out. I went along with him and Mr. Stanley. Mr. Costello went upstairs with Captain McLaughlin, and Mr. Stanley and I remained downstairs. After a short delay

Mr. Costello came down and the three of us (Mr. Costello, Mr. Stanley and myself) walked up to police headquarters. I saw Inspector Williams come out and call Mr. Costello into his (William's) office. I waited in the hallway. After a time Mr. Costello opened the door and said to me, 'John, please go up to my house and tell my wife I won't be home till late.' I proceeded to Mr. Costello's house, No. 44 East One Hundred and Nineteenth street, and so informed his wife. I did not know then that Mr. Costello was under arrest.

"The next morning I read in the papers an account of Mr. Costello's arrest. That was on a Friday or Saturday. The following Sunday I went to his house to see him. His wife told me he was in bed and that the doctor said no visitors should be admitted to his room, as he was suffering from the effects of his injuries.

"About a week after I met Mr. Costello on Broadway and his face was badly marked. I said 'My God, what happened to you. When I left you with Williams you were all right.' He said, 'McLaughlin knocked me out.' While walking along we met Harry Macdona, present assistant district attorney. Mr. Costello stood to talk with him. The next time I met Mr. Costello was at the Yorkville police court. I also saw Mr. Stanley and Captain McLaughlin. The case was called but adjourned. I met Mr. Costello the day before in Union square, and he told me that the case was to be tried on the following day, and he told me to be present.

"I frequently called upon Mr. Costello, partly on business and partly on friendship, and met him after at his office and on the street. Some year or two after the occurrences above narrated, I called, as I did almost daily, at Mr. Costello's office in Union square, and was told by his clerk that he (Mr. Costello) had been subpoenaed to testify against Captain McLaughlin, and that he (Mr. Costello) had gone to police headquarters. Thinking the matter had reference to the assault made by Captain McLaughlin on Mr. Costello, I went at once to police headquarters to listen to the proceedings. When I entered the court-room Mr. Costello was testifying. I remember distinctly when he asked what he knew about a gambling-house in Ann street, that he denied all knowledge of the same, saying that he had never been in a gambling-house in his life; also that he did not know the Ann street gambling-house from 'a side of sole leather.'

"When about leaving the stand he said, 'So far as this charge is concerned I know nothing dishonorable about Captain McLaughlin.' I remember these words distinctly because they made a deep impression on me at the time, knowing the meaning they conveyed. I left the building with Mr. Costello, and when we reached the street I laughed and said, 'That was a deep remark of yours about McLaughlin when you said, 'I know nothing about McLaughlin that is dishonorable so far as this case is concerned;' I further said, 'That was a broad hint that you knew something that was dishonorable in some other case.' Mr. Costello said, 'Yes; I intended it should be understood in that way. Whitney and McLaughlin knew well what I meant.'"

"After some further conversation of a general nature we separated.

"JOHN BARNARD."

Sworn to before me this 18th
day of December, 1891.

WM. B. BORUK,

Commissioner of Deeds, N. Y. City and County.

Owen J. Ward, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. You are a physician and surgeon? A. Yes, sir.

Q. In the practice of your profession in this city how long?

A. Twenty-nine years.

Q. Are you in any way connected with any of our public hospitals? A. I am connected with the Gouverneur Hospital, which is a city hospital.

Q. In what character are you connected with that hospital? A. Visiting surgeon.

Q. You were deputed by this committee to visit John Martin in company with his physician, Dr. Wright, and report this morning as to his condition; have you visited Martin? A. Yes, sir.

Q. In company with his doctor? A. Yes, sir.

Q. Will you please state to this committee the condition in which you found him? A. Well, I found Mr. Martin in bed; and I proceeded to give him a thorough examination and I found him paralyzed on the left side, completely paralyzed,

and in the arm, and a partial paralysis of the leg, left arm and left leg; I also found his mental condition in this way; that he seemed to be suffering from what you might call a species of anaesthesia of the brain; that is, he did not seem to me to be able to collect his thoughts and give proper answers in a continuous way; so that after talking with him a long time, and trying to come to a proper conclusion, I made up my mind that there was not much reliance to be put on what he said.

Q. In his present condition? A. In his present condition.

Q. Well, doctor, did you make such an examination of him as would preclude the reasonable possibility of his simulation of his present condition? A. I would give as my opinion that his assertions would not be reliable or his statements.

Q. Understand my question, please; have you made such an examination of him as would in your opinion preclude the reasonable possibility of his simulating his present condition, or pretending, or imposing upon you? A. I made a thorough examination of him with that in my mind, and I made up my mind that I could not be mistaken in—that I could not be misled by him on the simulating of that condition.

Q. From your examination, is it your opinion that he is in a fit physical condition to undergo an examination under oath? A. Yes; he is in a physical condition, because his physical condition would not interfere much with his examination under oath.

Q. As to his mental condition, whether it be superinduced by his physical condition or other cause, what is your opinion as to his capacity to undergo an examination under oath before this committee? A. He is not competent at the present time.

Q. He is not? A. No, sir; in my opinion, he is not.

Q. Is his mental condition superinduced by his physical condition; is it the result of the two paralyses? A. His mental condition, and also his physical condition, is superinduced by diseased lesions in his brain.

By Senator O'Connor:

Q. That is, the cause of his paralysis is the condition of his brain? A. Yes, sir.

By Mr Goff:

Q. So that you are prepared to say that in your opinion no reliance could be placed upon his answers to questions propounded to him? A. No positive reliance.

Q. Could you have an opinion as to how his memory is affected? A. The question, please?

Q. Have you formed an opinion as to the condition of his memory? A. That is not reliable either.

Q. The memory? A. No, sir.

Q. And that is affected — A. From the same cause, sir.

Q. From the same causes? A. Yes, sir.

By Senator O'Connor:

Q. I understand you, that it would also be dangerous to his health to examine him; irrespective of his mental condition would it be injurious to his health, so as to injure it? A. It would depend upon the method of examination; now, like our examination yesterday, I do not think it was dangerous or in any way would do him any harm.

By Chairman Lexow:

Q. But the examination with reference to a matter that would affect his personal integrity, would that, in your judgment, have a detrimental effect upon his health? A. I think it would at the present time.

By Senator O'Connor:

Q. The fact that he has had two strokes of paralysis in so short a time, shows a bad condition of the brain, does it not; the lesions? A. Well, I don't exactly designate his trouble as two strokes of paralysis, because I designate his trouble as a progressive disease of the brain.

By Mr. Goff:

Q. Progressive? A. Yes.

By Senator O'Connor:

Q. And no probable amendment? A. What we look at as a stroke of apoplexy is a rupture of an artery in the brain; knocking you down at once; but, in this case it is different, and is a progressive disease, and takes months and years to develop in the state I find him now.

Q. Is there much probability of his recovery? A. There is probability of his condition improving, which it has improved, I think, some from the history I get; it has improved some within

the past three weeks—within a week or two; that is, the motion of his legs has somewhat improved; the arm is still completely paralyzed.

Mr. Goff.—Is Captain Delaney here? (No answer.) Is Captain Delaney in court? He is under subpoena. (No answer.) I wish to note. It is not in the shape of evidence or corroboration, but in relation to the pension fund, and in line with the evidence we have already on the record in relation to that fund, for the information of the Senate. Thomas Bradley, an ex-roundsman of the Twenty-ninth precinct is retired, is receiving a pension on the grade of a roundsman's salary. He is also a veteran of the war receiving a pension, and he is also chief of police of Norwalk, Connecticut. He is wearing fire service stripes in the New York police department, which he claims to have permission for the wearing of them; and he is in receipt of a pension from the city of New York; and he is chief of police of the city of Norwalk, Connecticut.

Senator O'Connor.—Is it anything wrong, or is it the system?

Mr. Goff.—It is the system; I am not calling this anything wrong.

Senator O'Connor.—He has a perfect right to do it under the system.

Mr. Goff.—Yes; under the system.

Chairman Lexow.—I understand that the police board has passed a rule that no retirement shall be had and pensions granted until they prove by the surgeons and a certificate from them that the person is incapable and incapacitated for further service as policeman. That is the rule now; and I believe they have got in litigation with the courts under that rule.

Mr. Goff.—The policemen claim it is mandatory. They are going to contest the question, I think.

Chairman Lexow.—It seems as though general opinion is that the courts will sustain the mandatory law.

Mr. Goff.—That becomes an important question for the Legislature in view of the men who have been here on the witness-stand, and also of the display of the men yesterday, every man of them with one exception having been over 20 years in the service, and all the men being in good physical health to do duty. Is Officer Interman in court? (Here.)

Herman Interman, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. I have received a letter this morning from the superintendent of the American line in reference to you; have you thought over your testimony of yesterday? A. Yes, sir.

Q. Do you wish to confirm that testimony or to take it back? A. I take back regarding—what I mean to say is, that I gave this money; that I divided half of it with the officer.

Q. Did you wish to confirm your testimony of yesterday or to take it back? A. I will take it back.

Q. And, as a matter of fact, yesterday, when you denied you ever received a dollar of money from any of the steamship companies, particularly the steamship company on whose dock you were assigned to do duty, you swear that was untrue? A. Well, I swore that I got the money, Mr. Goff; I always got the money—\$10.

Q. You did swear you got the money? A. Yes, sir.

Q. I think you are mistaken about that? A. No, sir.

Q. Well, however, we will give you the benefit of the doubt in my mind; you say you swore to having got the money? A. Yes, sir.

Q. Now, when you swear that you did not give up any part of that money, that you were never asked to give up any part of the money to any officer or police official, did you swear to what was true or untrue? A. I swore to an untruth.

Q. Why did you swear to the untruth? A. Well, I thought I will save my friends, Mr. Vail and Sergeant Taylor.

Mr. Goff.—I have no further questions to ask.

The Witness.—Thank you.

Mr. Goff.—Unless the committee wish to ask some questions.

Chairman Lexow.—That is all, officer.

Herman Interman, resumes the stand:

Mr. Goff.—I do not want to ask this witness any questions. I have no questions to ask. If he wishes to volunteer anything he may do so.

By Chairman Lexow:

Q. Do you want to say anything, witness? A. Yes; I want to say that whatever money I got I divided into portions, one-half,

and on the later end when Captain Schmittberger came up there I had to give up \$25 of it.

By Senator Pound:

Q. Out of the \$40? A. Yes; out of the \$40.

Mr. Goff.—The stenographer will please note this is a voluntary statement, and not in answer to a question either of counsel or of the committee.

By Senator Bradley:

Q. Have you any other statement to make; any other corrections to make?

Senator Pound.—He is making a voluntary statement.

Senator Bradley.—Have you got any more?

Mr. Goff.—I think he has gone far enough.

By Senator O'Connor:

Q. Officer, can you explain why policemen come on here and testify to what is untrue; are they in dread of their superior officers? A. Well, that is about it.

Q. What is that? A. That is about it, sir.

By Chairman Lexow:

Q. Do you mean they will be bounced, or persecuted if they give testimony before this committee? A. Well, yes, sir; it looks that way.

Q. If they tell the truth? A. Yes, sir.

Q. And you think if they come here and tell a falsehood and perjure themselves, they will stand high with their superior officer; is that your judgment about it? A. Yes, sir.

By Senator O'Connor:

Q. Is that the common understanding of patrolmen that their duty is to swear falsely in order to protect their superior officer?

By Senator Bradley:

Q. To stand by each other? A. To stand by each other.

By Senator O'Connor:

Q. That is the sentiment, is it? A. That is the sentiment; yes, sir.

Chairman Lexow.—That is all, witness—

By Chairman Lexow:

Q. You said that it is an implied obligation between the different members of the force to stand by each other even to the extent of perjuring themselves upon the stand here; does that apply to other matters in reference to police services as well as corruption and bribery? A. No; it don't; what I mean to say is about this, to keep out of trouble.

Q. To what? A. To keep out of trouble in regard to this matter of collecting money.

Q. And you mean that if there is another brother officer in trouble that it is looked upon as the duty and custom of the force for the other officers to stand by him, whether in doing so they perjure themselves or not? A. No, sir; I never heard of such a case.

Q. You mean to limit that simply to the question of bribery and corruption? A. Yes, sir.

Chairman Lexow.—That is all.

John Marrett, recalled as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. You are in business in this city? A. Yes, sir.

Q. How old are you? A. Seventy-four, past.

Q. You were the agent for the Society for the Prevention of Crime while Mr. Gardner was chief detective, were you? A. Yes, sir.

Q. And worked under his direction? A. Yes, sir.

Q. You remember when Gardner was arrested? A. I do; yes, sir.

Q. And you worked for the society during his incarceration? A. Yes, sir.

Q. And assisted in the preparation of his case? A. Yes, sir.

Q. As far as you were called on; and gave testimony upon the witness-stand? A. Yes sir.

Q. Do you remember another agent, named Thomas Ryan? A. I do; yes, sir.

Q. You remember that Mr. Ryan attended with you at the office of Mr. Jerome in the preparation of the evidence and made his statement to Mr. Jerome in line with your statement and the statement of other persons — you remember that? A. Yes, sir.

Q. And that statement was reduced to writing and he was called as a witness for Mr. Gardner upon the trial — you remember that fact, do you not? A. Yes, sir.

Q. And you remember that Mr. Ryan surprised the defense by testifying in answer to typewritten questions which the district attorney held in his hands? A. Yes, sir.

Q. And told upon the witness-stand upon the trial of Gardner a story directly contradicting to that which he had given to Mr. Jerome — You remember that? A. Yes, sir.

Q. While Mr. Gardner was in prison were you assigned to special work in looking up the records of police officers and their property and holdings? A. Yes, sir.

Q. Mr. Ryan was also assigned to that work; was he not? A. Part of it; yes, sir.

Q. And you and Mr. Ryan made some trips together in looking up the property which police officers held, and their manner of living and so on? A. Looking how the precincts were bounded, and the captains names in such precincts.

Q. Did you in pursuance of that work, which was given to you, go to the house of Superintendent Byrnes? A. Yes, sir; I did.

Q. Who went with you? A. Ryan.

Q. Ryan asked you to go to Byrnes' house; did he not? A. Yes, sir.

Q. Was that before the trial of Gardner; it was while the preparation for the trial was going on; was it not? A. Gardner was in prison then; the trial had not come off.

Q. But was to be on shortly? A. Yes, sir.

Q. And Mr. Ryan, who afterwards turned out upon the stand to be a traitor to the society, induced you to go with him to Mr. Byrnes' house for the purpose of making investigations? A. Yes, sir.

Q. Now, Mr. Marrett, I have great confidence in your personal integrity, I ask you to tell exactly what happened; you know something of what transpired there; I desire you to state exactly what transpired from the time you went into Mr. Byrnes' house

until the time you came out? A. Mr. Ryan showed me the house and told me that was Mr. Byrnes' house; I rang the bell and a young lady came and let me in the hall, and I asked her if Mrs. Byrnes was in; I had a letter given to me by Ryan for Mrs. Byrnes, and the girl, or the young lady, went upstairs; she said she would see if Mrs. Byrnes was in; I waited down near the front-hall door, and I did not see the young lady any more, but a man came down, which I found out afterwards his name was Frank — Frank what, I don't know.

Q. Frank Mangin? A. I don't know the second name.

Q. Attached to the Central office? A. Yes, sir; he was in Mr. Byrnes' house, and when he came to the front door, then Mr. Byrnes came in himself; the superintendent walked in to his front parlor, threw off his overcoat, and he came out to me and said to me, "What do you want?" I said, "I have a letter for Mrs. Byrnes;" he took it out of my hand, opened it, and read it, and then he took me by the collar of the coat and he threw me into the front parlor, and then he took hold of me again, and pushed me into the back parlor, and said, "You are married? I know you;" although I don't think the gentleman had ever seen me before; but he said, "You are married; I know you;" and he then called Frank to go to the telephone for two officers to arrest me; he said that it was a felonious act.

Q. Felonious act in your going into the house? A. Yes, sir; and he would lock me up for 10 years.

Q. He would lock you up for 10 years for going into his house and asking for Mrs. Byrnes? A. Yes; so, after a little while, Frank came down again; that is the way I learned his name; he said, "Frank, go and telephone them two officers;" then when I came down, or when he came down, he said, "Look at that man; be sure you know him again, if ever you see him."

Q. What was said to Frank then? A. He was speaking to Frank to take notice of me; and then he said to me, "I want you to sit down there and tell me what you know about the Gardner case;" and I sat down.

Q. That was before Gardner was put on trial? A. Yes, sir.

Q. He wanted to get from you, an agent of the society, a statement about the Gardner case, after threatening you with 10 years' imprisonment for entering his house? A. Yes; I told him I did not know much about the Gardner case; all I knew was that Mr. Gardner lived in my house, and that Lillie Clifton

came there and Gardner was arrested on Sunday night, and then I didn't know that, but Monday morning Lillie Clifton came to the house with Captain Devery and Mr. Crowley.

Q. Sergeant Crowley of the detective bureau? A. Yes; Sergeant Crowley asked me to let them into Mr. Gardner's room; I told them I could not let them into Mr. Gardner's room, and I didn't want to do so; I said, "I have a right to protect my lodger;" Captain Devery said, "I don't want any of your chin music; I will fire you off that stoop."

Q. That is what you told Mr. Byrnes? A. I told Mr. Byrnes.

Q. And this is also what actually happened? A. What actually happened; and then after that I opened the door, and this Clifton woman had a muff on her hands, and the moment the door was opened she went in and she said, "There it is in that basket."

Q. That is the morning after Gardner's arrest? A. After Gardner was arrested.

Q. Captain Devery brought Lillie Clifton to your house where Gardner was boarding? A. Yes, sir.

Q. And you were told to keep quiet in forcible language by the captain, and as they entered the room she put out her hands with the muff on it and said, "There it is in that basket?" A. Yes, sir; and then he took me by the shoulder, and he said, "Open that basket;" and he didn't wait until I did open it, but he opened it himself, and he said, "Do you see that money; do you see that money there?"

Q. He said that to you? A. Yes; I said, "Yes, sir;" well, he said, "Take it out;" it was on top of everything, in a little work-basket, and I took the roll of bills out, and then he made me turn around to the dressing case behind me and count the bills, and mark them on a piece of paper; then he took the bills and put them in an envelope and sealed them up; and he told me to write my name across the envelope; and that is all I told Mr. Byrnes or anybody else, for I didn't know anything else.

Q. Did you tell Mr. Byrnes that Captain Devery had made you look at the window fastenings to see that no one had got in during the night? A. Yes, sir.

Q. To see that all the windows were tight? A. Yes, sir; he called my attention to that fact.

Q. And you remember it was Gardner's contention on the trial that Mrs. Clifton had gotten into the room for a short time in

which time she had sufficient opportunity to put the money in that basket? A. Yes.

Q. And that she, going into the room the next morning, could point at once to the basket through some corruption, claiming she had put the money there? A. Yes.

Q. She knew where it was, although she claimed he had received it and put it in his pocket? A. Yes.

Q. This you told Mr. Byrnes? A. Yes.

Q. What else did Mr. Byrnes ask you? A. He asked me if I knew any more about this Gardner case; he said, "You know some more than that, don't you?" and I said, "No, sir;" then he countermanded the order of the officers' coming; he told Frank to go up and countermand the order about the two officers, and then, as Frank was part way, he called him back and said, "I will go myself;" then he went up-stairs and left Frank with me and told him not to leave me, to stay there while I was there; I was really a prisoner.

Q. You were a prisoner for how long in Mr. Byrnes' house? A. About 20 minutes probably after that.

Q. You had committed no crime? A. No, sir; I was probably three-quarters of an hour in the house, altogether.

Q. Did Mr. Byrnes ask you about anyone else except Gardner? A. No, sir.

Q. Did he mention the names of any of your employers? A. Yes, sir.

Q. But he did under the coercion of this threat seek to get from you all that he could about the facts of the Gardner case? A. Yes, sir.

By Senator Pound:

Q. Were you terrified by what he said to you; was it his threat that induced you to tell the story? A. I didn't want to get into prison.

By Mr. Moss:

Q. You didn't want to get into prison? A. No; I hadn't done anything; I told him I had done no harm.

By Chairman Lexow:

Q. He didn't try to get anything more from you than the actual facts of the case? A. Only about Gardner's case.

By Mr. Moss:

Q. Did he endeavor to get from you the secret defenses of the Gardner case? A. Yes.

Q. Under the coercion of a threat to send you to prison, and after having used personal violence upon you?

By Senator Pound:

Q. Did he say he would send you to prison if you did not tell him? A. He told me he could send me to prison for 10 years; he would have sent me though — well, I suppose I can tell it here — only he happened to be a Mason and I am a Mason.

By Mr. Moss:

Q. There is no connection between your going to prison and your story about the Gardner case, was there? A. No; he didn't say that.

By Senator Pound:

Q. Then you did not tell the story under the coercion of a threat, did you? A. He told me that he could put me in prison, but he didn't say if I didn't tell the truth about Gardner.

By Mr. Moss:

Q. Having told you that he could send you to prison for 10 years, and having used personal violence upon you, he made you sit down on a chair, and immediately asked you for the facts in the Gardner case? A. Yes, sir.

Senator O'Connor.—That is a matter of argument.

Senator Pound.—He says himself it was not under the coercion of a threat.

Senator Bradley.—He makes a statement there which, I think, ought to be on the record. He said, "I believe he would have sent me for 10 years, only he happened to be a Mason and I am a Mason."

Q. You realized it was in the power of the superintendent to make a case against you? A. Yes, sir.

Q. And you believed the case against Gardner was an improper case? A. Yes, sir.

Q. And had so expressed yourself? A. Yes, sir.

Q. And you believed if Gardner could be convicted on a manufactured case and thrown into the Tombs and kept there under excessive bail; you might have the same fate overcome you?

A. Yes.

Q. And it was because of that threat to you that you violated your duty to your employers and sat down there in Byrnes' house and told him what you knew about the facts of that case?

A. Yes.

Q. You had no right to tell him the facts of the Gardner case? A. No.

Q. You were a secret agent of the society? A. I didn't want to tell him.

Q. Will you describe the personal violence that was offered you?

Chairman Lexow.—Do you claim that a superintendent of police of this city, where a crime has been committed has not only the right, but he has got the absolute duty imposed upon him to ascertain the true facts in the case. If this witness testifies that by any act of coercion or otherwise the superintendent was attempting to have him tell a false story, it would be a very serious charge.

Mr. Moss.—Is there any warrant of the third degree upon people in the city of New York. Is there any warrant in the superintendent of police without process of law to take a person and hold him up by force in his own house and use personal violence upon him and threaten him with arrest and incarceration, a punishment that certainly could not be truthfully threatened, and under coercion of that, knowing him to be an agent of the Society for the Prevention of Crime, compel him to be false to his employers and to extract statements from him?

Chairman Lexow.—No; I don't go quite as far as that. On the other hand the executive officer of the detective bureau of this city must sometimes resort to a great many things that a private individual would not do in the ascertainment of crime and for the enforcement of the law.

Q. Please to detail what personal violence Mr. Byrnes actually offered to you?

Chairman Lexow.—I was going to add in connection with that, that this witness here was a representative of a society that certainly has wielded a great deal of influence and considerable strength in this city, and if this agent was treated in the way this witness says, it is strange he has not brought an action for damages against Superintendent Byrnes.

Mr. Moss.—The Society for the Prevention of Crime was not as powerful then as it has been since. The superintendent of police and all of the other leading police officials tried to strangle it, and thought they had done it when they had killed Gardner, and I daresay that this was simply a part of the conspiracy.

By Senator Pound:

Q. What is the date of this? A. I don't remember.

Q. What year? A. Eighteen hundred and ninety-two.

Senator Bradley.—The witness has recited all the violence; he has told how the superintendent pushed him in the front parlor and the back parlor; that seems to be all the violence there was; we do not want that over again.

By Mr. Moss:

Q. Were you not taken by the hair? A. No, sir; he took me by the coat collar and pushed me in.

Q. Were you peaceably and gently led or were you thrown? A. No; I went where I was pushed.

Mr. Moss.—To those who have followed the course of this whole matter, I imagine that Mr. Marrett's testimony is very clear, and throws a light upon that whole transaction which we have long needed.

Chairman Lexow.—Your society is vindicated now, Mr. Moss, and the courts are open to any vindication of this witness' rights.

Mr. Moss.—What would your honors say if we should prove that Mr. Byrnes had his own personal agent in the court-room during the entire trial of Mr. Gardner, and had relays of information as fast as anything transpired and brought to police headquarters.

Chairman Lexow.—I should say the same thing has occurred here, in view of the suspension of Captain Creeden after he gave his testimony.

Q. You met Mr. Ryan sometime afterward in the street, did you not? A. Yes, sir.

Q. And you asked Mr. Ryan how he could go back upon his old associates and swear in such a way as to send Mr. Gardner to prison? A. Yes, sir.

Q. Will you tell me what excuse Mr. Ryan offered to you? A. He said he swore to the truth.

Q. He said he swore to the truth? A. I told him it was not the same story as he told in the office.

Q. Did not Ryan say to you that he had been picked up and threatened, and told his story to the district attorney under coercion? A. He said something of that kind; I don't remember that.

Chairman Lexow.—It doesn't seem to me that that is testimony.

Mr. Moss.—It is the fact, nevertheless. That is the way Mr. Ryan was gotten to go back on Mr. Jerome; he was picked up and threatened.

Senator Bradley.—Why don't you put Ryan on the stand then?

Mr. Goff.—Is Captain Allaire here? (No response.)

Mr. Goff.—It is proper to say that sometimes police officials are absent in other courts; many of them, of course, are called as witnesses in the criminal courts, very many of them, and we do not wish to criticise them for their absence until we find out whether they have an excuse or not.

I have just been informed that very many of the officers that we have under subpoena this morning are at the Oyer and Termmer, the new criminal court building, under subpoena here.

Patrick Byrne, called as a witness, on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. How long have you been on the police force, sergeant? A. Well, the past 26 years; November 18, 1868, I was appointed.

Q. How long were you in the Thirty-seventh precinct? A. I am in the Thirty-seventh precinct about two years and eight months; about that time, as sergeant.

Q. Were you in court yesterday, sergeant? A. No, sir; I was not.

Q. It is testified to here by a number of the patrolmen that they collected money from the respective steamship companies and railroad companies on whose docks they were assigned to duty, and that they divided that money with the wardman or with the sergeant of that district; have you any knowledge of such practice? A. None, whatever; no, sir.

Q. Did you ever collect any money from them? A. No, sir; never collected any.

Q. You were never assigned to a dock yourself, were you? A. No, sir.

Q. You were sergeant there? A. Sergeant there; yes, sir.

Q. Were you ever requested by any superior officer of yours to collect any money from other officers? A. No, sir; I never was; I never was requested.

Q. You are clear about that, sergeant? A. Very clear; yes, sir; positive.

Q. Did you know that such practices were being carried on? A. No; I didn't know of my own knowledge, counsellor, at all.

Q. Of course, I assume that from your previous answer; did you know it as a matter of common rumor and notoriety in the precinct, that the patrolmen were paying one-half, at least, of the money that they received, from the various dock and steamship companies? A. As a rumor; yes, sir; I have.

Q. What was the rumor as to where that money went? A. Well, I am unable to say in regard to that.

Q. I know of your own knowledge, you may be unable to say, but I am not asking that question now; it was a rumor that these men were giving up one-half of the money that they received? A. Yes, sir.

Q. To whom were they giving it? A. Well, I couldn't say you know as to that.

Q. I am asking you, as a sergeant at the station-house, what was that portion of the rumor concerning the person to whom this money was given up? A. Well, the rumor, so far as that was concerned; the rumor or supposition was that it went to the captain, of course.

Q. Now, sergeant, it has been testified to here by Sergeant Taylor that after Allaire became captain of that precinct that he every month placed an envelope directed, "Street cleaning report," in one of the drawers of the sergeant's desk in the station-house; do you know anything of such envelope or anything connected with it whatever? A. I don't; there is a street cleaning daily report under our rules, to make each day.

Q. To whom is that report made? A. That report is forwarded with all the other papers to the inspector.

Q. Is it forwarded to headquarters? A. To headquarters; yes, sir; among the other reports, the sergeant who has the

desk or in charge in the afternoon of each day; the following morning he takes charge also of the desk, and he has full control of these papers going to headquarters, and nothing could enter into that envelope with all the daily reports without a full knowledge of that sergeant; he seals that envelope with all the reports that go to the superintendent each morning.

Q. To the superintendent? A. Well, through the inspector and superintendent.

Q. It reaches the inspector's hands first, that is the official course? A. Yes.

Q. Now, sergeant, it has been testified to here that this envelope was sealed, large envelope, not the largest size, which contained the various reports which went to the inspector each morning, but that this envelope was sealed itself, not with other papers, and that it contained money averaging the sum of \$200 in bills; did you ever see such envelope? A. Never did, sir.

Q. Have you any knowledge of such envelope? A. Never seen such an envelope around the desk at all.

Q. One of your brother sergeants has testified that only three sergeants had access to that drawer along with the captain, is that so? A. I don't know what drawer he would have reference to, counsellor.

Q. Right-hand drawer that was pulled out on the upper right-hand side? A. In the upper right-hand side drawer.

Q. In which were placed the reports — now do you know the drawer? A. I do know it well; yes, sir.

Q. Now, you are one of the three sergeants there? A. Yes, sir.

Q. And it is a fact that the only persons that had access, who had a right to open that drawer were the three sergeants and the captain? A. That is all true, the day tours you understand, at night there is a roundsman in charge there; of course, in charge of the office during the night; he is relieved regularly in the morning, but all the papers that are placed in that are examined carefully by the sergeant at the desk.

Q. It was no part of the roundsman's duties to examine those papers? A. No.

Q. It was part of his duty to simply sit at the desk? A. Everything forwarded in the paper in the morning the sergeant examines; there is a memorandum placed inside of the large envelope containing all the reports, which specifies all the re-

ports that are inclosed in the large envelope, and the sergeant there has a full knowledge, and no report of that kind marked as a street cleaning report could be placed in there and forwarded without a full knowledge of the sergeant there at the desk.

Q. Every day? A. Yes, sir; every day.

Q. So that if this envelope went to headquarters, this envelope I speak of, the smallest size, we will say, containing this money, if it went to headquarters, it must have gone through different hands? A. Through the different courses, counselor; yes, sir.

Q. The different courses other than ordinarily from the sergeant at the desk? A. Yes, sir.

Q. And you swear you have no knowledge of such envelope? A. Positively; no, sir.

Q. Were you ever told that such envelope was in existence? A. I never heard of it at all until I noticed it in the papers of last evening.

Q. Of course, the captain had a right to go to the drawer? A. Certainly.

Q. And take out anything in the drawer, he having the command? A. Yes, sir.

Q. Outside of the captain and sergeant, no other person had the right to go there? A. No other person had the right to meddle there.

Q. You swear you know nothing about that envelope containing the money? A. Nothing whatever.

Cornelius Reid, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. How long have you been on the police force? A. Twenty-eight years, in February next; 21st day of February.

Q. Twenty-eight years? A. Yes, sir.

Q. How is it you have only got four service stripes? A. This is an old coat I have on this morning; I was subpoenaed to come over here; I didn't wait.

Q. How long have you been sergeant in the Thirty-seventh precinct? A. About two years and a half.

Q. Where were you before you went there? A. Twenty-first.

Q. Now, do you know anything about these practices of the

patrolmen of the steamboat squad giving up part of the money that they received from the steamship companies? A. I really don't, to be candid with you.

Q. I expect you are candid? A. I really don't; I never busied myself about such things at all.

Q. Your duties were there at that precinct, to remain at the desk on your hours of duty? A. Yes, sir; when I rotate.

Q. It has been testified to here that during Captain Allaire's command of that precinct, each month an envelope was placed by one of the sergeants in the right-hand upper drawer of the desk, directed street cleaning report; that envelope was sealed and contained bills for the amount of about \$200; do you know of any such envelope at any time being placed in that drawer? A. Perfectly absurd; no, sir; no such thing; impossible.

Q. Why do you say that it is absurd? A. Because that drawer don't contain nothing but a plain pad, blotting paper, where we put the reports in to keep over until next morning; we pull them out in the morning, put them in a large envelope and give them to a patrolman to take to the Central office.

Q. Could such an envelope have been placed in that drawer without your knowledge and taken out of it? A. Not during my tour; no, sir.

Chairman Lexow.—I understood the witness to have stated yesterday that the envelope containing the money was not placed in the same drawer with the envelope containing the reports that went to headquarters, but it was in another drawer.

Mr. Goff.—You are correct.

Q. The drawer in question, sergeant, was on the desk, not on one side of it; it was the upper portion of the desk, above the writing part of it, and a little drawer on the left-hand side in which old reports were kept — do you know of such a drawer? A. Yes, sir; three or four of them; they are always unlocked.

Q. Now, who had access to these drawers? A. Everybody.

Q. Everyone in the station-house? A. Everybody; the sergeant and captain and doorman, when he came behind there to clean; they were never locked — the roundsman.

Q. Was there not some limit as to the right of any officer to open those drawers? A. Well, they didn't contain anything of any value.

Q. I do not ask you that; an ordinary patrolman had no right to go behind that desk and open any drawer whether it was locker or unlocked, had he? A. No, sir.

Q. And the doorman had no right? A. Not a right; no, sir — not by right.

Q. We will assume that the patrolman and the doormen and roundsmen, and so forth, did not violate their duty; we will assume that; therefore, the only persons that had a right to open those drawers, were the sergeants and the captain; is that not so?

A. Yes, sir.

Q. Three sergeants and the captain? A. Yes, sir.

Q. Now, sergeant, did you ever open the drawer in question that I have described, on the left-hand side of the upper portion of the desk, and find there an envelope, sealed and directed "Street Cleaning Report"? A. No, sir.

By Chairman Lexow:

Q. Did you ever open the drawer? A. I guess so.

Q. How often? A. As occasion may require.

Q. Do you remember now, distinctly, ever opening that drawer? A. Well, I couldn't give you any date, but I know there are old keys belonging to the Rogues' Gallery in there and other things, and I would be very apt to open it to look them over.

Q. Have you any distinct recollection now of opening that drawer, that is the question? A. Well, I don't know what drawer you mean; there are four of that size.

Q. The drawer described by Mr. Goff? A. There are four in the desk on top.

Q. Have you any present personal recollection of opening that drawer? A. No, sir; no present recollection.

By Mr. Goff:

Q. Have you any recollection of ever having seen an envelope such as I have described? A. No, sir.

Q. Did you have any knowledge whatever as to the collection of this money and its transmission to any person? A. Not the least.

By Chairman Lexow:

Q. Nor any rumor to that effect? A. No rumor either that came to my knowledge at all.

Q. Do you mean to say you never heard of a rumor in that precinct that moneys of that kind were being collected? A. I gave those rumors no consideration at all.

Q. Did you hear of them? A. I might have heard of them, but I didn't stop to listen — paid no attention.

Q. You didn't want to listen? A. No, sir; I didn't; I was a policeman; that is all I have to say about it.

John J. Taylor, recalled, testified as follows:

By Mr. Goff:

Q. I read from a reported interview had last night with Inspector Steers, prefacing my question with the matter which I will read; Inspector Steers is reported to have said, "I have known Sergeant Taylor for years, and until recently have regarded him as a man of marked reliability. When I took command of the old Nineteenth precinct there were four sergeants on duty there. Taylor was the only one I retained, believing him to be the best of the lot. I look upon him as honest yet to-day. His testimony before the Lexow committee, so far as it reflects upon me, was a tissue of falsehoods. His false evidence can only be accounted for as a mad effort at vengeance upon me for my refusal to do him a certain favor. What I tell you is true, so help me the God I worship and seek to serve." If the inspector spoke, as he is reported to have spoken here, that you have made an effort to wreak vengeance upon him for his failure to do you a certain favor, does he speak the truth? A. No, sir.

Q. Have you had any feeling of vengeance against him or anyone else in giving your testimony? A. No, sir.

Q. Have you any feelings of animosity against Inspector Steers? A. No, sir; I feel very friendly toward him now.

Q. Did you ever request him to do you a favor which he refused to do, and which you felt angered with him for not doing? A. No, sir.

Q. He goes on to say, "Taylor called on me last Saturday after dark; I opened the door in response to his ring, and led him into the front parlor; the room was dark, but as I struck a match and reached for the chandelier, Taylor grabbed me by the arm and said, "No; inspector; no light to-night, if you please; I am in desperate trouble and I want your assistance"—did you call upon Inspector Steers? A. I did.

Q. Last Saturday night? A. I did.

Q. Was that after you received a subpoena? A. No; I had been here Thursday and Friday.

Q. You were under subpoena at that time? A. I was under subpoena.

Q. Did you tell the inspector not to light the gas? A. No, sir.

Q. Did you say to him "I am in desperate trouble and I want your assistance?" A. No, sir.

Q. Or any words in substance to that effect? A. I will explain just the words I said.

Q. Just let me go along; I want to have a specific answer? A. There was nothing of that.

Q. Nothing in substance? A. No, sir.

Q. The inspector goes on to say, "Well, John," said I, "If I can help you I will, what is the trouble?" "It is this," said the sergeant, who was under the influence of liquor, "I have been subpoenaed by the Lexow committee to appear next Tuesday, and I must get out of it somehow, I won't testify, you can save me, and you have got to do it"—did you say those words? A. I went to him.

Q. Now, I want to get your answers first, and then we will have what was said afterward; did you say the words the inspector is reported to have imputed to you? A. No, sir.

Q. The words which I have read to you? A. No, sir.

Q. The inspector goes on to say, "Why, John," said I, "you talk like a wild man; I have no influence with this committee; they are at work for an honest purpose, and you can safely tell them the truth"—did the inspector say that? A. No, sir.

Q. He goes on to say, "That won't do with me," growled Taylor, "I know you have got the influence to have my subpoena canceled; when you left the stand last week Lawyer Moss said, 'Steers is the kind of inspector we want for our police force;' they will let me off if you take it as a personal favor"—did you state that? A. No, sir.

Q. Or anything like it in substance or in form? A. No, sir.

Q. The inspector goes on to say, "No, John," said I, "You overrate my influence, which, under the circumstances, I won't exert as you ask; this committee will give you ample protection of any wrongdoing on the force, expose it fully, and if your confession incriminates yourself, the committee will stand by you"—did the inspector say that? A. No, sir.

Q. The inspector goes on to say, "Then Taylor broke into profanity, swore that nothing should drag him before the com-

mittee; policemen have already sworn," he said, "that money collected by them for protection they handed over to me; and I know that others have been subpoenaed who will tell the same story; you must save me"—did you state that? A. No, sir.

Q. He goes on to say, "Once and for all I told my excited visitor that his request must be denied, and then he grew threatening; 'So you won't help me,' he cried, 'Then listen to this, dare to refuse your influence to save me with this committee and I will make it hot for you'"—did you say those words? A. No, sir.

Q. Or any words to that effect? A. Nothing.

Q. Or in substance? A. No, sir.

Q. He then said, "What do you mean, Taylor!" he answered with a curse, "I will mention your name before the committee."

Q. Did you say that? A. No.

Q. Or in substance? A. I said I would tell the truth.

Q. I will get at that; did you say it in this form in which I ask you here? A. Will you please read that again?

Q. "What do you mean, Taylor," I asked; "I mean," he answered with a curse, "That I will mention your name before the committee?" A. No, sir; not a word of that.

Q. The inspector says, "Do it, and welcome, you can not mention it so as to disgrace the man;" "Can I not," sneered Taylor, rising and moving to the door; "What is there to prevent my saying that I collected money and gave it to you, eh?" did you say that? A. No, sir.

Q. The inspector said, "This seemed to me like the threat of a drunken man indicted or incited by my refusal to assist him; so, I gently pushed Taylor out of the front door, saying, 'No, John Taylor, you won't tell so black a lie about your old chief;'" did he say that? A. No, sir.

Q. And the sergeant turned to walk away, he raised his right hand above his head and half shouted, "I swear to do as I have threatened; if you wish to escape this scandal, save me from the committee; you have two days to do it, remember;" did you say that? A. No, sir.

Q. Now, sergeant tell us exactly what you said to the inspector? A. I have the kindest regards for the inspector, and I went up there Saturday evening; I rang the bell; he came to the door, and he says, "How do you do;" and he shook hands with me; and he stood there, and he said, "Come on in;" and I

said, "No, I am not going in;" I said, "I have come to tell you that I am going before the committee, and I am going to tell the truth."

Q. What did he say? A. He said, "You are not going to bring me into it;" I said, "I am going to tell the truth, inspector, and I notify you;" he says, "Won't you come in and see Mrs. Steers;" I said, "No, thank you; good-night;" and I walked out.

Q. He said, "Won't you come in and see Mrs. Steers?" A. Yes, sir.

Q. And you says, "Good-night?" A. "Good-night;" there is the whole conversation I had with Inspector Steers, last Saturday evening.

By Senator Pound:

Q. Why did you go to see him, then; what object did you have in view to go and see him? A. My friendly feelings toward the inspector, and my coming down here, I thought I would tell him what I was going to do; but, as to asking him to use any influence or anything in my behalf, I solemnly swear I never said a word to him.

By Chairman Lexow:

Q. You did not want him to have the first knowledge of your having spoken about this matter from the newspapers, but from your own lips, that was your idea, you wanted to tell him beforehand, what you were going to do? A. That is about the substance of it.

By Mr. Goff:

Q. You had already been in two days' attendance here under subpoena? A. Yes, sir.

Q. So, that you did not go to him as soon as you got the subpoena? A. No, sir.

Q. You had been here two days waiting to be called? A. Yes, sir.

Q. And you had your mind made up during those two days that if called at any time to the stand you were going to tell the truth? A. Or any time since this committee was in session.

Q. And you went up there Saturday night; was it because you were off duty or had time to go? A. I was off duty.

Q. You were here all day Thursday and all day Friday? A. Yes.

Q. And I understand you to say that it was in consideration of the inspector, with whom you had very pleasant relations?

A. Very pleasant relations.

Q. And whom you held in high regard that you wished to tell him as man to man? A. I told him that I was going to tell the truth, and he knew what that was going to mean.

Q. You thought it was not necessary to tell him the details of the truth? A. I did not; no, sir.

Q. Did he make any request of you not to bring his name in? A. He said, "You won't bring me into it;" I said, "Good-night, inspector, I am going to tell the truth;" now that is the substance of the conversation, under oath here to-day, that I had with Inspector Steers.

Q. Did you remain in the hall all the time? A. Yes, sir.

Q. Did not go into the parlor? A. No, sir.

Q. Had you been drinking? A. No, sir.

Q. Perfectly sober? A. I was.

Q. Have you ever denied to any person from the commencement of this investigation away back last summer when the first testimony came out about the steamships paying to the officers, have you ever denied to any person, that you received the money from the officers? A. I don't thoroughly understand that.

Q. Did you ever state to any person that you had not received the money given to you by the officers? A. I don't think I did; I have no recollection of saying that to anybody.

Q. Did you have any conversation with any brother officers of any grade after the exposures were first made before this committee upon that subject? A. Yes.

Q. Did you communicate to your brother officers in these conversations your intention that if called you would tell the truth? A. Yes.

By Chairman Lexow:

Q. Sergeant, two other sergeants have been brought to the stand here and have been examined, and both of them have denied any knowledge of this envelope, marked "Street cleaning report," containing money; how do you account for that? A. Well, I don't think they did know anything about this envelope.

Q. Then their testimony may be perfectly true upon that subject? A. Yes, sir.

By Senator Bradley:

Q. You never told either of these sergeants that you left the envelope in this drawer, did you? A. No, sir.

By Chairman Lexow:

Q. This drawer was one, as I understood your testimony yesterday, was not opened by the sergeants in pursuance of their business at all? A. No; it was a kind of drawer that was kept for keeping the report of anything; after entering it in the book we would chuck it into this old drawer.

By Senator Bradley:

Q. That is, reports that wouldn't be of any importance? A. Yes.

By Chairman Lexow:

Q. Their daily duty did not require their opening that box at all? A. No; well—may be there were some old keys or something in there that they might go for; it was a kind of reserve drawer.

By Mr. Goff:

Q. Now, Sergeant Taylor, I want you to tell this committee what was the purpose and intent of your collecting that money from the various patrolmen—the object, put it in that way? A. When I collected myself, as I stated, I carried it to Inspector Steers.

Q. I mean for what purpose; what was it for; I don't mean now to whom, but what object was the money for? A. It was the custom.

Q. Conceding that to be the custom, but was there not some purpose in the custom? A. I collected just as I told you, Mr. Goff.

Q. I understand your position, and the committee understands it thoroughly, but we have got to get this matter into proper shape upon the records; now, was it not the understanding and the object in collecting this money that it should go to a higher

police authority in order that these men would be allowed to remain at their respective docks? A. Well, that is about the object.

Q. In other words, sergeant, was not this the fact; was it not well understood as a fact that the various policemen who gave this money to you, gave it to you as a consideration that they should be allowed to remain on these respective steamship docks? A. I didn't look at it, Mr. Goff, in that light.

Q. What light did you look at it? A. I looked upon it they gave it to me, I had no power to keep them on these steamship docks.

Q. I am not asking about your power; I am asking you if it was not well understood by the patrolman who gave this money—who gave it to you—that it was in consideration that they should be allowed to do duty upon the docks to which they had been assigned by some authority, no matter who it was? A. I suppose some of them thought that way, some of the patrolmen.

Q. Did you not think that way, sergeant? A. Well, I did think that way but I had no knowledge of my own.

Q. I understand; I want to get at your condition of mind? A. Yes, sir.

Q. When you gave that money to Inspector Steers, did you not give it to him for the purpose and with the intent that he should take it in consideration of his allowing those policemen to remain on the respective docks on which they were doing duty? A. There was nothing said about that.

Q. I am not asking what they said; when you gave that money to Inspector Steers, did you not give it to him for the purpose and with the intent that he should take it in consideration of allowing those policemen to remain on the respective docks on which they were doing duty? A. Yes; that is about it.

Q. In other words, sergeant, that money was given as a bribe, and went through your hands as a bribe to this official in consideration of his doing a certain official act, that is, allowing those officers to remain on the posts which they were on at that time? A. That is about right.

Q. That is so, is it not? A. Yes, sir.

Q. Have you spoken since yesterday with any person regarding your testimony, sergeant? A. No, sir.

Q. Or has any person spoken with you? A. There has; several have spoken to me, but I could not talk with them.

Q. Officers? A. No; there was one officer that I met and he wanted to say something about it, and I begged to be excused, and I walked away and I left him; that is, on the subject of this investigation.

Q. I understand, sergeant; do you remember ever having had any conversation with Inspector Steers in relation to this money outside of the conversations that you gave us yesterday? A. No, sir.

Q. Do you remember ever having had any conversation with him after Captain Allaire went into the precinct? A. About the time he came into the precinct.

Q. What was that conversation? A. That I should leave it in the drawer there.

Q. In the desk? A. Yes; which I obeyed.

Q. Did that conversation come from him voluntarily or in answer to a question of yours? A. No; we were talking over the affair, you know.

Q. At headquarters? A. Yes, sir.

Q. How did the subject come up? A. Well, the subject came up; Captain Allaire was transferred there, and I should get this money and place it in an envelope and put it in a certain drawer, which I done.

Q. And continued to do that month after month? A. Yes, sir.

Q. Is that the last conversation you ever had with him? A. In regard to money affairs; yes, sir.

Q. When he retired, did you have any conversation with him? A. No, sir; not in regard to money matters.

Q. In regard to money matters I am speaking now? A. No, sir.

Q. Did you have any conversation with the new inspector when he took command? A. Not in regard to money matters; no, sir.

Q. Have you any knowledge, sergeant, of any other moneys being collected other than the dock moneys, as we call them, in that precinct? A. No, sir.

By Chairman Lexow:

Q. Did Inspector Steers ever tell you what he was going to do with the money that you paid over to him? A. No, sir.

Q. Did he ever tell you that he had to divide? A. No, sir.

Q. Or that he had to give up a percentage of it? A. No, sir; I never asked him, and he never told me.

Q. Did he never explain to you what the purpose of the turning over of this money to him was for? A. No, sir.

Q. You never asked? A. No, sir.

Q. Were you on intimate relations with Inspector Steers? A. I was all the time; yes, sir.

Q. Were you not intimate enough with him to ask him about a matter of that kind? A. Well, I would suppose that he would tell me—no; I wouldn't ask him what he would do with it; I wouldn't ask him that; I was intimate enough with him, but I wouldn't ask him.

Q. You never did ask him? A. No.

Q. And he never hinted to you in any manner or shape that he had to give up some part of it? A. No, sir.

Q. That he was not going to keep all of it? A. No, sir.

Q. Did it not strike you as sufficiently strange he should receive so large an amount from you, and you so small an amount for doing the collecting of it, that he must be on the same terms with somebody else that you were with him? A. Well, it looked that way.

Q. It looked that way to you? A. It looked that way, but I couldn't swear to that.

Mr. Goff.—Is Captain Allaire here?

(No response.)

Mr. Goff.—Officer Intemann, will you go down and tell the captain we are waiting for him? I will ask for an adjournment at this stage.

Chairman Lexow.—All witnesses subpoenaed for this morning will attend again at half-past 2; the committee will stand adjourned until that time.

AFTERNOON SESSION.

December 19, 1894.

Present.—Senators Clarence Lexow, Edmund O'Connor, Daniel Bradley, and Cuthbert W. Pound. Also counsel, as before.

Anthony J. Allaire, called and testified as follows:

By Mr. Goff:

Q. You are 29 years on the force, about, are you not? A. I joined the force on the 29th of August, 1860; left in 1862, and rejoined the force in 1865.

Q. That is, on July 10, 1865? A. Yes, sir.

Q. And four days after you were appointed as patrolman in 1865, you were made roundsman? A. Yes, sir.

Q. And four days thereafter you were made sergeant? A. Yes, sir.

Q. That is pretty rapid promotion? A. That was an agreement I had with the commissioners.

Q. What? A. That was an agreement I had with the commissioners.

Q. An agreement you had with the commissioners? A. Yes, sir.

Q. What commissioners? A. Police commissioners.

Q. What police commissioners? A. The metropolitan police commissioners, New York city.

Q. What was his name or their names? A. Thomas C. Acton, Mr. Berger; I can not remember the others.

Q. What was the agreement? A. That all those that left the force and entered the service of the United States and served to the close of the war should be restored to their rank.

Q. What rank had you when you left the department? A. Sergeant of police.

Q. Well, that was not a specific agreement with you; it was an agreement with all? A. With all.

Q. With all men of the department? A. Yes, sir.

Q. Who enlisted in the army? A. Yes, sir.

Q. That upon their reappointment they should hold the same rank that they held when they resigned from the department? A. Yes, sir.

Q. And on the 23d of May you were made captain, in 1867? A. Yes, sir.

Q. That is about two years afterward? A. Yes, sir.

Q. What commissioner made you captain? A. Sir?

Q. What commissioner made you captain? A. Thomas C. Acton.

Q. You are a man of family, are you not? A. Yes, sir.

Q. And have been for a great number of years? A. Yes, sir.

Q. What is the size of your family? A. A wife and three children; I have a son grown up, daughters grown up.

Q. Where did you reside? A. Now?

Q. When you joined the department the second time, in 1865? A. Division near Clinton.

- Q. In a house there? A. Yes, sir.
 Q. A house that you rented yourself? A. Yes, sir.
 Q. How long did you remain in that house in Division street?
 A. I couldn't remember; it is too many years ago.
 Q. About? A. Oh, I couldn't tell you.

By Chairman Lexow:

- Q. Two, three, four, five years? A. No; a year or two probably.
 Q. A year or two? A. Three years.

By Mr. Goff:

- Q. What was the rent of that house in Division street? A. I don't remember, sir.
 Q. Where did you go from Division street? A. Around Clinton street.
 Q. Did you rent a house there? A. Yes, sir.
 Q. How long did you reside in Clinton street? A. About five or six years probably.
 Q. What was the rent you paid for the house in Clinton street? A. Five hundred dollars.
 Q. Five hundred dollars a year? A. Yes, sir.
 Q. Your salary was then \$2,000? A. No; I won't be positive about that; yes; I think it was; I rented half the house out; reduced the rent.
 Q. Where did you go after you left Clinton street? A. One Hundred and Twenty-third street, Harlem.
 Q. What year did you go to Harlem? A. I think about 1874.
 Q. In 1874? A. About that time.
 Q. About 10 years after you rejoined the department, rejoining it in 1865? A. Eighteen hundred and sixty-five; yes.
 Q. About 10 years? A. Yes.
 Q. What house did you reside in in One Hundred and Twenty-third street? A. It was near Avenue A.
 Q. Did you rent the whole house? A. Yes, sir.
 Q. What was the rent? A. Six hundred dollars.
 Q. How long did you reside in Harlem? A. Three months.
 Q. In that house? A. About three months.
 Q. Where did you move from One Hundred and Twenty-third street? A. Fifteen Attorney — no; hold on; Attorney street, I believe it was 12.

Q. That was before you went up to Harlem? A. No; no.

Q. After you went up to Harlem? A. I went up there and got chuck full of malaria and came back.

Q. Went down to Attorney street? A. Yes, sir.

Q. How long did you reside in Attorney street? A. About 1883, I think it was.

Q. Did you rent a house there? A. Yes; I moved from one to the other.

Q. How much rent did you pay there? A. The first house I got there I had to pay \$1,000 a year for; then I got one for, I think it was \$450, across the way.

Q. When did you remove from Attorney street? A. I think it was in April, 1883.

Q. Where did you move to then? A. No. 143 East Nineteenth street.

Q. Did you rent a house there? A. No; bought it.

Q. No. 143 East Nineteenth street? A. Yes, sir.

Q. How much did you pay for that house? A. Eighteen thousand dollars.

Q. How long did you remain there? A. Until November, 1892.

Q. Now, up to 1883, you had been renting houses? A. Yes; I would rent one yet if I hadn't fell out with the landlord.

Q. That was for 18 years after you rejoined the department? A. Yes, sir.

Q. You had been renting houses? A. Yes, sir.

Q. Did you pay for that house in cash? A. No, sir.

Q. How much did you pay on it? A. I think it was \$12,000, and \$6,000 mortgage.

Q. Six thousand dollars cash and \$12,000 mortgage? A. No; no.

Chairman Lexow.—No; the reverse.

The Witness.—Reverse it.

Q. Twelve thousand dollars cash and \$6,000 mortgage; is that it? A. Yes.

Q. That was in 1883? A. Yes.

Q. Was the mortgage on the house when you bought it? A. No.

Q. It was a purchase-money mortgage? A. Yes.

Q. And you hadn't enough money to pay for the whole of the house? A. Yes; I did; I had more than enough.

Q. But you didn't want to? A. I didn't want to use it, and I had another reason that I will explain to you; I am a very poor

speculator, and in the beginning I didn't know how to get the house surveyed; so, I went to Mr. Wood of the Bowery Savings Bank, and got the Bowery Savings Bank to take a \$6,000 mortgage, by that means I got a survey and got a just guarantee; I was satisfied; feeling safe that I was perfectly safe.

Q. You paid off that mortgage in two years? A. Yes; I had the money to pay for it down before that.

Q. Well, that was \$18,000 you had to purchase that house? A. Yes; my impression is that I had about \$23,000; \$23,000 to \$25,000.

Q. That was in 1883? A. Yes.

Q. How long did you remain there? A. Up to 1892; November, 1892; I moved up to Ninety-first street.

Q. When did you sell the house in Nineteenth street? A. October, 1892; I think it was.

Q. November, 1892? A. October or November; somewhere along there.

Q. How much did you get for that house? A. Eighteen thousand five hundred dollars.

Q. So, that you made \$500 on that? A. Well, no; I don't know as I made much.

Q. Well, on the purchase-price, as it appears? A. Yes.

Q. Did you ever know Thomas D. Reilly to whom you sold that house by any other name? A. No.

Q. Did you ever hear him called any other name? A. No.

Q. He is a resident of that district up there? A. I suppose he is; I sold him the house.

Q. You knew him before you sold him the house? A. No; I never met him before I sold the house.

Q. Never met him? A. No; not to my knowledge.

Q. What sort of a looking man is he? A. A short, stout man.

Q. What? A. A short, stout man; I don't know if I would know him if I seen him now.

Q. Is he a man of florid complexion; do you remember? A. No; I do not remember; all I wanted to do was to get his money and get away.

Q. Then you bought the house in 1891? A. Yes, sir.

Q. How much did you pay for the house in 1891? A. Twenty-seven thousand dollars.

Q. You bought that before you sold the house in Nineteenth street? A. Well, I had to sell the house in Nineteenth street to pay for the other.

Q. Let us see the dates; you bought the house in Ninety-second street on October 2, 1892? A. Yes, sir.

Q. Paid \$27,000? A. Yes, sir; I paid \$9,000.

Q. We will get at that in a little while; that is the purchase-money, captain? A. Yes.

Q. How much did you pay on mortgage for the Ninety-third street house? A. I paid \$9,000 down, subject to \$18,000 mortgage.

Q. There was a mortgage on the house? A. Yes, sir; and then I coaxed him to take it off, so as to get rid of the \$18,000 to get it out of the bank.

Q. You paid that off? A. Yes, sir.

Q. How shortly after your purchase of the house did you pay it off? A. Well, I think I paid it off within six or eight months; that is my impression; I had the money on hand from the sale of the other and I wanted to get rid of it.

Q. Now, we find that in 1892, so far as your testimony goes, you were possessed of real estate unincumbered, valued at \$27,000? A. Yes, sir.

Q. Well, you had other real estate beside that? A. No; I never owned anything else; never got but a home, the savings of 40 years.

Q. Do you know anyone of your name in the city, captain? A. Oh, yes; there are two of my name here; I do not want to speak of this as amusement; they are both a great deal of trouble to me; one is constantly buying real estate and the other is constantly getting in debt; I have been before a referee for one and I have been — Dr. Peters gave me a terrible lecture in his church for the other; he promised to take the whole thing back after I explained it to him, but he never has publicly, as he said it.

Q. So you have been in danger of being held for the debts for one and on the real estate contracts of the other? A. Yes, sir; that is where I have been in the fire; right sandwiched between the two.

Q. Outside of the real estate that you held in 1892, did you have money? A. Well, now I stand to-day —

Q. No, let us get 1892; outside of the real estate? A. Well, probably, may be \$3,000 or \$4,000.

Q. In the bank? A. Well, some was in the East River Savings Bank.

Q. How much? A. I think I had \$3,000 there; I had to take that out to help pay off the—I got \$1,400 there now; I got \$1,000 in the Union Trust; \$400 in the Bowery Savings Bank, and \$800 in the New Amsterdam; I think that is about my standing.

Q. I am speaking now of 1892; not now? A. Well, 1892; it took so much to pay for the house, I really don't know—I think, altogether, probably about \$35,000.

Q. Well, I would like to have a specification, as nearly as you can give it? A. Money over and above the real estate?

Q. Yes; that was the only real estate you had in New York or any place? A. Only place; without you go up to the old Huguenot burying ground in New Rochelle.

Q. Well, you see, you don't own that; you have only the right to use it? A. I have only a promise of it.

Q. And a promise that has surely got to be fulfilled? A. Only a matter of time, and very few years for me, probably; now, Mr. Goff, I won't be positive; I think I had about \$5,000 or \$6,000.

Q. I would like to hear in what shape you had the money outside of your real estate? A. I had about—I think I had \$2,000 or \$3,000—let me see; well, probably, in the savings bank, \$3,000; \$1,000 in the Union Trust Company; \$400 in the Bowery Savings Bank and may be \$1,000 laid away besides.

Q. Is that all you had in 1892 outside of your real estate? A. Yes, sir; I think that is; that is, after the real estate is paid for.

Q. I am assuming— A. It took me nearly all the money I had to buy the real estate.

Q. I am assuming the real estate to be paid for? A. Yes, sir; I think that is it; that is as near as I can remember.

Q. Did you have any certificates of trust that time other than the moneys that you have stated? A. No; the Union Trust is all I had.

Q. What? A. That \$1,000 certificate of the Union Trust.

Q. Did you have any other certificate of trust? A. No.

Q. Did your wife have any certificates of trust? A. No.

Q. Or your daughter? A. No.

Q. Or son? A. I don't know what he had; he is a man by himself, independent of me.

Q. Had your wife any real estate in her name? A. No, sir.

Q. Never had? A. No, sir.

Q. Nor has she to-day? A. No, sir.

Q. Or your daughter? A. No, sir.

Q. Or your son, in trust for you? A. No, sir.

Q. Has any person whatever any real estate holding in trust for you? A. No, sir.

Q. That is, an understood trust; not a deed of trust? A. No trust, understood or not understood.

Q. Express or implied? A. Express or implied; that is all I have got, is my own home, and I am entitled to that.

Q. Now, from the time you were captain, what precinct were you first assigned to? A. The Twenty-first.

Q. There have been some changes since that time, have there not? A. Yes, sir.

Q. In the precincts and the boundaries? A. Yes, sir.

Q. Tell us where the Twenty-first was then? A. The Twenty-first was the same then as it is to-day.

Q. That has not been changed? A. No, sir; I don't think the boundary has been changed, except in some of the very upper precincts; the other precincts have not been changed; their numbers have been changed.

Q. The numbers have been changed but the boundaries have not? A. The boundaries are about the same.

Q. That is Thirty-fifth street station-house? A. Yes, sir.

Q. How long were you in command of the Thirty-fifth street station-house? A. Probably two years.

Q. Where did you go from the Twenty-first? A. To the Fourth precinct.

Q. Down to Oak street? A. Yes, sir.

Q. How long were you in Oak street? A. The boundary has been changed because there was a second precinct in there.

Q. That is Church street? A. Sir?

Q. That is Church street station? A. No, no; the Oak street boundary has been changed at Peck Slip and I think it turns through Gold street and up to Spruce, and then the Second precinct lays below, lays between; it was a small precinct running from Broadway to the East river in Ann street, and I think it is Spruce street, Peck Slip and probably to Maiden lane or to Liberty street, something like that; that has been broken up and divided since my time between the First and Fourth.

Q. How long did you remain in the force, you went there in 1867, about? A. No; I went to the force somewheres about 1869.

Q. Well, I understood you — A. The Twenty-first in 1867.

Q. Two years there made 1869? A. Yes, sir; then I went down to the Fourth and from the Fourth I went to the Broadway squad.

Q. How long did you remain in the force? A. I think I remained about three years; nearly three years.

Q. You see, as a matter of local history, wasn't it during that time that the famous and notorious rat-bait of Kit Burns' was carried on in Water street? A. Yes, sir; Mr. Bergh and myself broke it up.

Q. But it required Mr. Bergh to go in there and break it up? A. No, sir; not particularly.

Q. You had been captain for over two years before Bergh moved in the matter? A. Oh, no.

Q. Now, just let us see about that; don't you remember when Kit Burns had three shows going on at one time in his famous place in Water street? A. Not in my time.

Q. Why in 1869, in 1870 and 1871? A. Oh, no.

Q. That was the time that Kit — A. No; you are mistaken there, because Kit Burns kept a little place down in Water street; then he had a place for a short interval where the pool was made up near Roosevelt.

Q. That is not the place that I have reference to; I have reference to his place in Water street where he had a combination entertainment at night; four combinations, a rat-bait, a dog fight, a prize fight and a gospel meeting, all in the one place? A. No; not in my time.

Q. Don't you remember that? A. No.

Q. Did you ever hear of that before? A. I have heard of all those things, but Johnny Allen and all those people were all passed away before my time.

Q. That was around 1869 and 1870? A. It was earlier than that; I went there in 1869, if it was.

Q. Well, it was during 1871, that Mr. Bergh made his raid upon that pit? A. Bergh raided him first by Thorne; and when Thorne was there, I think, they raided him twice; I was with the last raid which Mr. Bergh, in his reports, gives to Mr. Thorne; always my name gets spelled wrong.

Q. What is that? A. I say I always get my name spelled wrong; I always get in the wrong box.

Q. That is a misfortune you have through life? A. No; I think it is fortunate sometimes.

Q. Where did you go after you left the force? A. I went to the Broadway squad.

Q. How long were you in command of the Broadway squad? A. Well, that is quite a long time; at a rough estimate; two years.

Q. That would be during the years 1873 and 1874? A. Yes; about that time.

Q. The stages ran those days; did they not? A. Yes, sir.

Q. Robberies were quite frequent in the stages on those days? A. Sir?

Q. Robberies, pickpockets, quite frequent? A. Well, I don't know as they were; I don't remember hearing of them.

Q. Did you never hear of the frequent robberies that took place in the Broadway stages? A. No; I do not think it; because there were officers stationed along, and if there had been they would give the alarm; they were able men and good men.

Q. Yes; I know officers were stationed all along, but men's pockets could be picked in the stages without men on Broadway knowing anything about it? A. Very likely.

Q. Don't you know that there were about that time a great number of reports in newspapers of robberies committed in the Broadway stages? A. If there were I don't remember it.

Q. Did you ever hear that the thieves had Broadway parceled off between certain blocks at that time; that they had the privilege of picking pockets in those blocks? A. No.

Q. Did you ever hear that they had an arrangement with the detectives that the only risk they would have to run would be from one of your squad on the complaint of the victim; did you ever hear of that before? A. No; I don't seem to recollect anything of that kind.

Q. You don't seem to recollect? A. No.

Q. Do you think it is the first time that you have ever heard that there was a fight between the thieves; that one trespassed upon the other's domain and went to a pawnshop about it, and the authorities at police headquarters threatened to send the first thief up the river if he ever invaded the second thief's privileges? A. No; I don't think I ever heard of anything of that kind where the territory was divided off; I can not remember that.

Q. After you left the Broadway squad, where did you go? A. To the Twenty-first, back again.

Q. How long did you remain in the Twenty-first? A. A little over a year.

Q. Where did you go after you left the Twenty-first? A. To the Fourteenth; now known as the Tenth.

Q. That is Mulberry street? A. Yes, sir.

Q. How long did you remain in the Tenth? A. In the Fourteenth that is.

Q. Fourteenth that time; now known as the Tenth? A. Yes; let me see, about two years and a half or three years.

Q. Where did you go from the Tenth? A. To the Eighteenth.

Q. That is Captain Gallagher's precinct now? A. Yes, sir; Twenty-second street.

Q. How long did you remain in the Eighteenth? A. I was sent there; I recollect I was there about 18 or 19 days.

Q. Where did you go from there? A. Headquarters.

Q. How long did you remain in command of headquarters? A. That was in 1877, I went there about 18th of June; I left headquarters in November, 1877, and was sent to the Sixteenth, West Twentieth street.

Q. How long did you remain in command of the Sixteenth? A. To the 1st of February, 1879.

Q. Where did you go then? A. To the old Tenth; the celebrated Tenth in Eldridge street.

Q. That is the Eleventh now? A. Yes, sir; changed in 1887.

Q. You went there in 1879? A. Eighteen hundred and Seventy-nine.

Q. How long did you remain in the old Tenth? A. First of January, 1888.

Q. Were you less than a year there? A. No; no; 1879 to 1888.

Q. Seven or eight years there? A. Yes.

Q. Where did you go from the Tenth; the present Eleventh? A. At my own request I was transferred to the Broadway squad.

Q. And from there? A. From there to the Seventh.

Q. And from the Seventh? A. To the Third.

Q. That is the City Hall? A. Yes, sir.

Q. Where did you go from the Third? A. The Twenty-eighth, now the Thirty-seventh.

Q. That is the steamboat squad? A. Yes, sir.

Q. Where you are now in command? A. Yes, sir.

Q. Now, in each of the precincts which you have recounted as having been in command of, did you select your own wardmen? A. No.

Q. Were they selected for you? A. I found the wardmen there and never disturbed them; not all, but some.

Q. You hadn't a pet wardman with you? A. No; I have never had a pet wardman; I say I never did; yes; I had one wardman; I took Wade with me.

Q. What was the man's name? A. John Wade.

Q. Jack Wade? A. Jack Wade.

Q. He was a partner of Frank Hess? A. Frank Hess?

Q. Or Charley Hess? A. No.

Q. Hadn't you a wardman by the name of Hess? A. There was a wardman by the name of George Hess.

Q. Was he of your selection? A. Well, he was taken more on account of General Smith; he was a favorite of his, and was taken more on his account than anything else.

Q. Did you have Frank Wilson as a wardman ever? A. Never; let me explain about Frank Wilson; Frank Wilson was detailed during my time — not all the time — on Grand street from Bowery to Norfolk; he went on duty at 8 o'clock in the morning when the stores opened and remained there until the stores closed.

Q. What was he detailed for? A. To keep peddlers off of Grand street mostly, at the request of the storekeepers; they were annoyed, and there was a special ordinance and is to-day where booths and peddlers and such things as that are not allowed on Grand street, between the 15th of December, where they are allowed on other streets, and the 1st of January.

Q. How long was Frank Wilson there? A. Well, I think, he was there about five years; I think that is about it.

Q. There was the special designation of Wilson on the station blotter, was it? A. Yes, sir.

Q. And as a matter of fact Wilson was known as the collector in that precinct? A. No, sir.

Q. Did you ever hear of it? A. No, sir.

Q. Did you ever hear of any wardman being collector in any precinct? A. I never allowed any wardman to collect for me.

Q. What? A. I never authorized any wardman to collect.

Q. I am not asking you now for your authority; did you ever hear of the wardmen being collectors for their captains in their various precincts? A. I have heard of such things; I have seen it in the newspapers, but I never knew it.

Q. And you, as one of the oldest captains on the police force, know nothing at all about that of your own knowledge? A. No, sir.

Q. Only what you learned from the newspapers? A. From the newspapers and general talk and rumor.

Q. From what you learned from the newspapers and general talk and rumor did you ever take any pains to ascertain whether or not your wardmen were collecting from the disorderly-houses in the precinct of which you were captain? A. I don't think that they were, Mr. Goff.

Q. You don't? A. No; I will tell you why —

Q. Never mind why; suppose I ask you to explain why; here is Frank Wilson and he is worth in real estate between \$80,000 and \$100,000 and he has gone away out of this city; how can you explain that? A. I can not explain it.

Q. I asked you about that wardman, Frank Wilson, and you say you could not explain how he had acquired such a lot of property? A. I can not.

Q. His salary was \$1,200? A. That is what it was.

Q. Have you seen him recently? A. I have not.

Q. Do you know where he is? A. No, sir.

Q. Do you know anything at all about him? A. No, sir; let me say to you about Frank Wilson, I always liked the fellow and I will tell you why; he was badly shot the second day at Gettysburg; he belonged to the Pennsylvania Reserves; I think he was in Crawford's Division, and he never got off until after Pickett's charge, when he got his wounds dressed; I liked him; there came an opportunity and I nominated him for it.

Q. You didn't know him to be a man of fortune, did you? A. No, sir; and you surprised me when you say he has got a house.

Q. It is not a house but houses, right in that precinct? A. Well, he has beat the captain.

Q. He beat the captain? A. Wonderful; the captain hasn't got any.

Q. Did you ever know a woman there by the name of Mrs. Martin? A. Martin?

Q. Martin; yes; well, she visited your house? A. No; she didn't; my house?

Q. Your house? A. My dwelling?

Q. Your dwelling? A. No, sir; nor no other woman; don't you believe that story.

Q. Well, she flourished in that precinct when you were captain? A. She didn't to no very great extent, in that precinct.

Q. Well, in any other? A. Will you give me the privilege of explaining to the Senators with regard to houses of prostitution, the rise and fall and remedies for them.

Q. Suppose you limit your explanations to the rise and fall and leave out the remedies? A. Yes.

Q. Now, proceed, the rise and fall without the remedies? A. Yes.

Q. Now, go on? A. I was placed in command of the Tenth precinct on the 1st of February, 1879; I remained there until January 1, 1888; I turned out a force or platoon that would average probably 26 men; during the time I was in that precinct the number of arrests was between 65,000 and 70,000, of which about 28,000 were women; there were about 18,000 arrests of women taken from houses and off the street, and less than 800 women, with all their charges furnished that material.

Q. Eight hundred? A. Yes, sir.

Q. Less than 800? A. I don't think there was 800 of them furnished that material for the 18,000 arrests.

Q. Do you mean kept houses? A. No; the same number of women, but not at the one time.

Q. You mean arrested over and over again? A. Yes, sir; I have seen women get six months twice a week.

By Senator Bradley:

Q. Six months twice a week; get down on a writ and up again?

By Chairman Lexow:

Q. You mean be liberated under a writ and be arrested again? A. Be arrested again and up again.

By Mr. Goff:

Q. Well, go on, captain? A. Well, I think that is about as far as I can tell you, but there was constantly a special patrol; now, as far as wardmen, excisemen or men having anything to do with houses of prostitution, as far as my command is concerned, there is a special patrol that did nothing but follow that up, and when they became a little inefficient they were changed, so that there were always three or four men, generally three men on patrol, out every night, bringing women off the street or getting evidence against houses.

Q. How many convictions were secured while you were captain of that precinct against such houses? A. Oh, I can not give you that, sir.

Q. Well, these arrests were the results of raids, as a general thing? A. Well, it was constantly; if I had known that we were ever going to reach an investigation of this kind I would have saved books which I had which I destroyed about four or five years ago; looking over my books, I believe I have got about one; that is the year 1887; I will furnish you that if you want it and let you see about all the work that was done in one year in raiding houses.

Q. What I want to get at is this: The results of your raids produced these thousands of arrests? A. Yes, sir.

Q. And the thing went on; it was raid after raid? A. Yes, sir.

Q. Raid after raid? A. Raid after raid; yes, sir; and will continue so until the end of time.

Q. This is another thing, captain; we have this thing down from your testimony, that these spasmodic raids had no effect in wiping out the evil you speak of? A. They were not spasmodic; they were continuous.

Q. Well they were continuous? A. Yes, sir.

Q. And the thing went on just the same? A. The same old story.

Q. You say that it was not in your power, as captain of the precinct, to suppress the evil in its notorious aspects? A. No, sir.

Q. So far as the carrying on the business in a notorious manner, was it in your power, or was it not? A. It was not in my power.

Q. That answers that question? A. Will you let me make a little statement?

Q. No; that answers the question; I will give you opportunity later? A. No; it was not in my power.

Q. Was it from the lack of police assistance that you had? A. No, sir; I think it was the failure of the laws.

Q. The failure of the laws? A. Yes, sir.

Q. You mean the failure of the execution of the laws? A. No; I mean to say the law itself.

Q. The law itself? A. Yes, sir; if you give the women the same protection by law that you do a mule and a dog you will do away with two-thirds of the houses of prostitution and women of the street.

Q. I do not understand your simile.

Senator O'Connor.—I would like to understand what he means.

Mr. Goff.—I think not just now. We will follow that up later on.

Q. We limit ourselves now without indulging in expressions as to remedies and how the thing ought to be; we are dealing with how the thing is and how it has been; we will limit ourselves to that; now, you say that it was not within your power to suppress the notorious business carried on in that precinct? A. No, sir.

Q. That was one of the worst precincts in town? A. Yes, sir; I don't think there is an angel in it.

Q. I beg pardon? A. I think there are very few angels in it.

Q. Did you ever complain to the police officials that it was not in your power to suppress the notorious houses in that precinct? A. No, sir.

Q. You had been in the habit of making reports, had you not? A. Yes, sir.

Q. And these reports were made every month, were they not? A. Yes, sir; I think quarterly.

Q. What? A. I think quarterly.

Q. Well, first, and then they were made monthly? A. I don't think they were made monthly in my time.

Q. Well, it was your duty to report the existence of the houses in your precinct? A. Yes, sir.

Q. Did you report the existence of the houses? A. Yes, sir.

Q. As reputed? A. No, sir.

Q. Positive? A. Positive.

Q. Positive houses? A. Pretty near all positive houses.

Q. You reported them every three months? A. Yes, sir.

Q. Now, you are clear about that? A. Well, I think I am.

Q. Now, be careful about it because the record is in existence? A. Yes, sir.

Q. I want to know if you reported the houses in your precinct every three months while you were captain there? A. Yes; I think as far as I could give them.

Q. You reported them as positive disorderly-houses? A. No; I won't say — yes; there is no going behind the fact there, Mr. Goff —

Q. No; I am asking what you reported? A. I reported them as disorderly-houses, I am quite positive; of course it is years ago; it is over seven years ago, and my memory may be a little bad on that point, but my impression is that I reported them as disorderly-houses; sometimes reputed and sometimes disorderly-houses.

Q. Did you ever apply to the superintendent of police for his warrant? A. No, sir.

Q. You knew you had the right to do it? A. I had the right to report, and if he wanted to give me the warrants I gave him the papers.

Q. You gave him the papers? A. I sent the papers to his office.

Q. You sent the reports? A. Yes, sir.

Q. I mean to say touching any specific house, did you ever make a report to the superintendent, touching any specific house, for the suppression of that house? A. No, sir.

Q. Or the arrest of its inmates? A. No, sir; those cases always went to court.

Q. Did you ever talk with your superior officers as to your inability to suppress those houses? A. Why, it is the common talk in the police department.

Q. It was common talk? A. Yes, sir.

Q. Were you ever called to account for not suppressing those houses? A. No, sir; I don't think I was; I don't remember ever being called to account.

Q. Do you remember your making a false report about No. 165 and 167 Chrystie street? A. Nos. 165 and 167 Chrystie, a false report?

Q. A false report; were you ever charged with making a false report? A. Well, I was tried for a complaint of Krumm's, but I don't remember exactly; he claimed it was a false report; I claimed it was not.

Q. I mean, were you ever tried for it? A. There was nothing more than this of it; the complaint was that I didn't think that he should receive a license as a concert license because he violated the law.

Q. It was your duty at that time to see that the excise law was observed in all those houses? A. Yes.

Q. Can you name me one disorderly-house in that precinct of the character that I speak of now, that had a license; can you name me one? A. Which, disorderly-houses?

Q. Well, these houses where women were? A. No, sir; I couldn't.

Q. And as a matter of fact every one of them sold wines and liquors and beer and so forth? A. Not to my knowledge; they were never reported to me.

Q. What? A. Not to my knowledge.

Q. Do you mean to say that you, as captain of that precinct, for seven years didn't know it in your official capacity to be the fact that there were wines, liquors and ales sold in those houses, in every one of them? A. No.

Q. Do you plead ignorance of that fact? A. Yes.

Q. That you didn't know? A. No.

Q. That every one of these houses were able to supply their customers with wines and liquors? A. If they did they must have sent out for it.

Q. No; that they had it within, themselves? A. I never knew them to have it.

Q. Why, we had here account-books where they kept accounts with their wine and beer houses? A. That might have been.

Q. Then you didn't look to the enforcement of the excise law very sharply? A. I never supposed for a moment that they were violating the excise law.

Q. Did you ever take pains to ascertain? A. I took pains with the general police business, never suspecting that they were running a barroom.

Q. You were innocent of that? A. I was innocent of anything of that kind.

Q. Is this the first time you have heard it? A. I never knew they kept a barroom, sir.

Q. I am not asking you about their keeping a barroom; I didn't say that; I said that they sold to their customers wines and liquors, and if you were not aware of that fact? A. I was not aware of it; no, sir.

Q. Did your officers never report it to you? A. No; we looked upon them; if we got evidence of a disorderly-house we raided it and went along.

Q. That was all the attention you paid to the subject? A. I never thought of the excise law being violated in those houses; never gave it a consideration.

Q. Have you any idea how much money was collected from these houses while you were captain of that precinct? A. I never knew there was any.

Q. You never heard there was any? A. No.

Q. Why, they have been here by the dozen, swearing one after the other that they paid so much a month; is it possible that

they were all swearing to an untruth? A. I can not tell you that; I am not aware of it.

Q. Now, do you mean to say that you were not aware of the fact, which is admitted and overwhelmingly proved here before this committee, that in nearly every precinct of the city of New York, and particularly that precinct, the Eleventh, in which you were in command, that every house was subjected to a monthly rent for the police? A. I never — not true in my time; I don't think.

Q. I am speaking during your time? A. No, sir.

Q. During your seven or eight years there? A. No.

Q. Bayer was a wardman while you were there? A. Yes, sir.

Q. And you frequently found fault with him? A. Sometimes; I made a complaint against him once for making a statement that he didn't sustain before the board of excise, and he was fined \$30.

Q. Well, you tried to get him changed? A. Yes; I have, time and again.

Q. And he shook his finger in your face and he told you you would go out of that precinct before he would? A. I went out of that precinct at my own request.

Q. Didn't he shake his finger in your face and tell you you would go out of that precinct before he would? A. No, sir; I don't remember that.

Q. Will you swear he didn't? A. I won't swear he didn't; yes, I will, because I wouldn't allow him to do it.

Q. Why, are you in doubt about it? A. No; I wouldn't allow him to do it.

Q. Why, are you in doubt about it? A. No, sir; I am not in doubt about it; not if he was in earnest; he might have done it in a joke or something of that kind, because I sometimes joked with those people, but if he was in earnest, he nor no other man would shake his hand in my face.

Q. Don't let us fence about it; weren't you aware of the fact that he was the appointee of John J. O'Brien, who was then in police headquarters; weren't you aware of that fact? A. No; I am not.

Q. What? A. I couldn't say that.

Q. Don't you remember that he told you that as long as Mr. O'Brien lived, you nor no other man could get him out of that precinct; now, will you swear he didn't tell you that? A. I can not remember it; why, you are talking about half a lifetime.

Q. Oh, it is not so many years ago that you were captain in the Eleventh precinct? A. It is seven years ago this January.

Q. That is not half a lifetime? A. How far down in the other part was it that he said this?

Q. I am simply telling you that it was during the time that you were in command of that precinct? A. I don't remember it, sir.

Q. Eh? A. I didn't.

Q. Do you mean to say before this committee that these disorderly-houses flourished in that precinct, and that you knew nothing whatever about the money that the police exacted from them for blackmail? A. I didn't, sir.

Q. And if such money was exacted, you knew nothing about it? A. I didn't.

Q. Did you ever hear it at the time? A. No, sir; I don't remember it.

Q. You stated awhile ago that you read it in the newspapers? A. What is that about?

Q. About the police taking blackmail for these houses? A. I did?

Q. Yes? A. Yes; I have seen that.

Q. Did you ever take pains to inquire or inform yourself whether that was true or not? A. I forbade these officers.

Q. Did you ever take pains to inquire or inform yourself whether such rumor was true or not? A. Yes, sir; as far as I was concerned, I forbid it.

Q. What did you do? A. I inquired of the men themselves.

Q. Did you expect the men themselves to acknowledge the crime? A. Well, I wouldn't expect if I went to the other people that they would acknowledge it.

Q. No; the two parties to the crime, you wouldn't expect that either one would acknowledge it? A. No.

Q. So you inquired of the officers if such was the case and they said of course it was not? A. Yes, sir.

Q. Then you stopped your inquiries? A. Yes; I wouldn't be positive about that.

Q. Did you pursue the same policy about the gambling-houses in that precinct? A. There was not a gambling-house in that precinct for the last six years I was there.

Q. You stated a little while ago that you forbid your men taking this blackmail? A. I did.

Q. How did it come to pass that you forbid them? A. Well, it was common rumor, I suppose.

Q. It was common rumor? A. Yes.

Q. And you forbid them to do that which the law forbid them? A. I wouldn't allow it—I don't remember—

Q. But you said you forbid them taking blackmail? A. I forbid them anyhow.

Q. Well, yes; and that implies that they had been taking blackmail before you forbid them? A. No; I don't think so.

Q. Well, then, why did you forbid them if it didn't exist? A. On the start I told them to attend to their police business and police business only.

Q. When you forbid them that, there was some practice you recognized? A. No; that there might be.

Q. Then you heard there was a liability of such practices being carried on? A. That is a common rumor for years.

Q. Common rumor for years in the police department of this city? A. Yes, sir.

Q. Did you forbid your men from taking blackmail in the absence of any specific charges against them, from any particular house or any particular houses? A. I guess it was general.

Q. What? A. It was general, whatever I gave them.

Q. General? A. Yes, sir.

Q. And you repeated that command and instruction frequently? A. Once I can remember that at 6 o'clock roll-call and at 12 o'clock they were instructed what to do, to be careful and make a thorough investigation to suppress all violations of law, or to suppress all violators and report all violations of law, disorderly-houses and matters of that kind.

Q. And the precinct was just as bad when you left as when you went in there? A. It was not.

Q. What deduction did you make? A. There was not one of the old concert saloons along the Bowery; there was not a gambling-house in the Bowery or anywhere in that precinct.

Q. Oh, Captain Allaire, what about Jake Shipsey's? A. Jake Shipsey didn't belong in that precinct.

Q. He did then? A. No.

Q. He had a place then? A. No.

Q. You know all about him? A. No.

Q. How do you know he didn't belong in that precinct? A. There is no Shipsey in my precinct.

Q. Don't you know the man to whom I refer? A. All I know is that Shipsey kept an exchange office over in the Bowery.

Q. You knew that exchange office was a gambling place?
A. No.

Q. Why did you answer that he didn't belong to the precinct?
A. You asked me Shipsey's place.

Q. Shipsey's gambling-house? A. No.

Q. You seem to be perfectly acquainted with Jake Shipsey and his work? A. No, sir.

Q. And want to throw the responsibility upon some other captain? A. No; I don't want to throw it upon any.

Q. Will you swear there were no gambling-houses in that precinct? A. Not the last six years I was there, with the exception of probably short cards, and that would be among the Israelites, which no one can stop, such as draw poker.

Q. Does it come to this point, that there are certain violations of law in this city which no one can stop, not even a police captain? A. No one can stop people playing draw poker.

Q. Are there certain violations of law in this city which even a police captain can not stop in his precinct; are there or are there not? A. There is.

Q. Well, we will say these violations of the Excise Law for one? A. Well, I won't say that.

Q. Will you say that it is beyond the power of a police captain to stop the violations of the Excise Law? A. Well, the way you put it; yes, sir.

Q. Why is it beyond his power? A. Because we wouldn't know the existence; if they are sold as you describe it, they are sold behind blind doors, and unless you are in on the ground you couldn't see it and you would have to go there in disguise; being there as I was it would be almost impossible, because I couldn't go near a place; I was so long there they knew me perfectly.

Q. Do you mean to say here, a police captain, that it is beyond the power of the police force of the city of New York to prevent violations of the Excise Law? A. I would think so; yes; they can limit it to a great extent.

Q. How is it that from the headquarters men have gone out under orders of the superintendent into the various precincts and arrested men who had never been arrested before for violations of the Excise Law; how does that come to pass? A. Well, they are strange men; in the Tenth precinct we often borrowed men to come over there and help us.

Q. Is it your reason that you couldn't enforce the Excise Law because your men in the precinct are known? A. Yes; that is one of the reasons.

Q. What other reason have you? A. Well, I don't know as I have any other reason.

Q. Did you keep a record of the number of murders that were committed in the precinct while you were captain? A. All such things are recorded on the blotter.

Q. Did you keep a record; you said you had one book out of a number of books that you offered to show me; I ask you, did you keep a record, or can you give us an amount of the number of murders that were committed in that precinct while you were commander? A. No; I can not.

Q. Can you tell us how many robberies were committed in the saloons and dives while you were captain? A. No.

Q. When you reported these houses to headquarters every three months, positively as disorderly-houses, were you called to account by your superiors as to why they existed? A. No, sir.

Q. So it went on from year to year, you putting in these reports of the existence of these same disorderly-houses, and you were not called to account for your failure to suppress them? A. Well, there were various owners —

Q. Never mind about the owners; I am asking you about the houses; isn't it a fact that the character of the houses didn't change, no matter how the owners changed? A. The owners changed; the character of the houses didn't change; no.

Q. The character of the houses remained the same during the years you were commander of that precinct? A. That is right.

Q. And no attempt were made to close them up? A. Yes.

Q. You don't call attempts the arresting of unfortunate women on the streets? A. No, sir; raiding the houses.

Q. Raiding the houses? A. Yes, sir.

Q. Raiding them occasionally? A. Well, it was more than occasional, at times.

Q. In order to make them come down with new blood money, was not that the object of the raid? A. No; no.

Q. Why, do you mean to tell us here that you raided those houses in that precinct and that they didn't pay money not to be raided? A. No; not in my time.

Q. Could such money have been paid without your knowledge? A. Yes.

Q. Could the amount of corruption among your officers exist there that we have had evidence of before this committee, without your knowledge? A. From what you stated it certainly did exist.

Q. I am talking of the sworn testimony? A. You stated that one of my officers was worth \$100,000.

Q. From \$80,000 to \$100,000, I said. A. Nothing astonishes me more than that; I couldn't believe it.

Q. He bought property in that precinct while you were captain, right in Chrystie street? A. Well, that astonishes me, sir.

Q. These things could have occurred and take place around you by your own officers, a man buying a big tenement-house upon \$1,200 a year, your wardman? A. Yes; if he did that; he was not a wardman.

Q. He was a special man? A. Yes, sir.

Q. These things occurred in your precinct without your having any knowledge of it? A. Yes, sir; if they took place.

Q. They are matters of record? A. Well, they occurred without my knowledge.

Q. Do you remember Spencer's saloon in that precinct? A. Corner of Hester?

Q. Yes? A. Yes, sir.

Q. Do you remember the time when that murder took place in Spencer's saloon, during your captaincy? A. I don't remember the circumstances; no, sir.

Q. Well, suppose I told you the bartender — his name was Murphy — killed a man, struck him with a siphon first, afterward used some other weapon; the weapon I forgot now; he killed a man right in the saloon; do you remember the case? A. I don't remember who killed him.

Q. Well, it was the bartender killed him, Spencer's bartender. A. Was he arrested?

Q. That is what I am going to ask you? A. Well, I don't remember it.

Q. Was he arrested? A. Well, I say I don't remember.

Q. Do you know the reason why he was not arrested? A. No; I couldn't tell; if he was not arrested; I couldn't tell why he was not arrested without he got away.

Q. Well, he didn't get away; he is in New York to-day; why, captain, didn't you know Chick Murphy? A. No.

Q. Everyone around that neighborhood knew Chick Murphy, the bartender of Spencer? A. I don't know Chick Murphy.

A. A bully? A. No.

Q. Did you ever hear of Spencer, the keeper of that notorious place, being one of Superintendent Murray's bondsmen? A. Yes; I knew he was —

Q. You knew he was? A. I knew he was a friend of Superintendent Murray; I say bondsman; I knew he was the friend of Superintendent Murray.

Q. You say he was a bondsman? A. I don't know that.

Q. You knew him to be a close friend of Murray's? A. Yes, sir.

Q. Wasn't that the reason why that murder was hushed up? A. I was not aware it was hushed up.

Q. But there has never been an arrest or a trial for that murder; can you explain that occurring in your precinct? A. No; I can not.

Senator O'Connor.—Did they never have a coroner's inquest?

Mr. Goff.—There was a coroner's inquest.

Senator O'Connor.—What was the verdict?

Mr. Goff.—The verdict was like very many of the coroner's verdicts for years in New York, accidental causes; the body was taken, without any chance for the friends of the deceased to identify it, and hurried up to Potter's Field.

Senator O'Connor.—Any citizen could have made a complaint.

Mr. Goff.—We all remember that the dead body was brought out of the saloon from before the bar, where it lay weltering in blood, and put in the hall, so to divert suspicion that the murder took place in the saloon; that was during Captain Allaire's command of that precinct.

Senator O'Connor.—When was that? What year?

Mr. Goff.—Tell me, captain, when you first went to that precinct?

The Witness.—Eighteen hundred and seventy-nine.

Mr. Goff.—That is about 1882 or 1883.

Senator O'Connor.—Who was district attorney then?

Mr. Goff.—That I forget. I think either Mr. McKeon or Mr. Martine, during the early part of his term.

Senator O'Connor.—They were pretty good men, weren't they, McKeon and Martine?

Mr. Goff.—Of course, Senator, in the city of New York, the district attorney is powerless to go out and detect crime. His duties are to prosecute cases brought to him in court.

Senator O'Connor.—His duty is more than that. His duty is to bring to the attention of the grand jury anything that he may know himself, and it is also the duty of every member of the grand jury to bring to his own knowledge and investigate any fact of his own motion.

Mr. Goff.—That is all very true, but in this great city of New York it amounts to a physical impossibility for any district attorney, no matter how good an officer he may be, to bring every case that the police fail to investigate to the attention of the grand jury.

Senator O'Connor.—Of course, it requires the co-operation of the police.

Mr. Goff.—But it does not surprise us in the city of New York that a murder should go untried. It is not the only case. It is an old story with us here.

Senator O'Connor.—Well, then, it is a bad state of affairs.

Mr. Goff.—Why, when a murder takes place the district attorney must depend upon the captain of that precinct to get the witnesses, seize them, get the case for him. Of course, our city, as you understand, differs from a country town where the district attorney may go and communicate directly with the sheriff himself or his deputies, but here the district attorney must depend absolutely upon the police force.

Senator O'Connor.—Oh, we have failures of justice in the country just as well as in the city of New York. From my own observations, I have noticed that frequently.

By Mr. Goff:

Q. Did you ever hear of the green goods men making their headquarters in your precinct, in Grand street? A. No, sir; not in my time.

Q. There were no green goods men? A. No, sir; if there were they were chased pretty lively; if there was a letter or anything, that is one thing the liquor people would do; they would give us the letter and we would chase them.

Q. That is all you did; to chase them? A. They wouldn't stay there; we couldn't find them.

Q. Did you ever hear of storekeepers while you were in command of the precinct, of their having to pay so much a month?

A. No, sir.

Q. For occupying a portion of the sidewalk? A. No, sir.

Q. Did you ever hear of Detective Bayer compelling the peddlers that you say you assigned a special man for, to pay so much a month? A. No, sir.

Q. Push-cart men? A. No, sir.

Q. Did you ever hear anything of the Hebrew soda water dealers having to pay for their occupancy of the sidewalk? A. No, sir.

By Chairman Lexow:

Q. Well, you have heard of it since this investigation, haven't you, captain? A. Not in this precinct when I was in it; I have heard of it since the others.

By Mr. Goff:

Q. What did you do any way while you were captain of that precinct to earn your salary? A. Made between 65,000 and 70,000 arrests with the force under my command; about 70,000 I guess.

Q. Arrests of the poor unfortunates walking the streets? A. No, sir.

Q. Poor, drunken fellows? A. No, sir.

Q. But the gambling-houses and dives and disorderly-houses all flourished? A. No gambling-houses there for six years before I left; and when I left that precinct there was not a gambling-house in it and hadn't been for six years previous to that; five or six years.

Q. How many Christmas presents did you receive while in that precinct from the liquor dealers? A. None; I don't know; I may have.

Q. That is right? A. I may have.

Q. That is right; we have the proof here that you did? A. Oh, no; you haven't got any proof of it.

Q. Why, we had it proven here that for years and years covering your captaincy, both before, during and after your captaincy, that the liquor dealers and keepers of houses in that precinct made annual presents to the police cap-

tains of that precinct? A. Mr. Goff, if they tell you that, you tell them it isn't so.

Q. You say they have sworn to what is not true? A. I do; if they say they did that.

Q. They have sworn to that? A. Well, I say they have sworn to a falsehood.

Q. Sworn to a falsehood? A. Yes; as a general thing; that I received presents from different people; yes.

Q. What presents did you receive? A. Well, I couldn't tell; probably they may have sent me a basket of wine.

Q. What other little trifles, such as baskets of wine? A. I couldn't tell you; probably a basket of fruit.

Q. Who would send you a basket of fruit? A. I don't know.

Q. Would that come from the fruit dealers or grocers? A. It might come from a grocer; I don't know.

Q. Who did the basket of wine come from? A. I say it might come from a liquor dealer; I don't say any individual.

Q. Did you ever receive any money presents at Christmas? A. No.

Q. Will you swear you didn't? A. Yes.

Q. Absolutely? A. Yes.

Q. There or any other precinct? A. There or any other precinct.

Q. That there was never a collection made from the people in that precinct to give the captain a present? A. To me?

Q. I am asking the question, if there was ever a collection made from the people in that precinct to give the captain a present? A. Not to my knowledge.

Q. Could there have been such a collection made without your knowledge? A. Yes.

Q. Money could have been subscribed without your knowledge? A. Yes, sir.

Q. What were you doing anyway in the precinct? A. Oh, I was busy.

Q. Since you have been captain of the steamboat squad have you heard anything about the men on the steamboat docks giving up half their money, more than half their money, to any officer of your command? A. I have read it in this morning's paper.

Q. For the first time? A. About the first time; yes, sir.

Q. About the first time? A. Yes, sir; probably I heard it yesterday.

Q. You heard it yesterday? A. Yes, sir.

Q. Did you hear it before the testimony came before this committee? A. Not before it came before this committee.

Q. That is the first time you heard it? A. Yes, sir.

Q. What have you been doing down in that precinct? A. Well, I have been drilling the police; I drill the police about six months out of the year and the rest of my time I attend to my business.

Q. Do you mean to tell us that you were not aware that all the officers of that squad were assigned to the piers of the the officers of that squad that were assigned to the piers of the were giving up half the money and more than they received?

A. When I went to that precinct —

Q. I don't want any speeches? A. No.

Q. You answer my question no? A. No.

Q. And that those practices have continued since you have been in command of that precinct without your hearing or knowing anything about them? A. Yes.

Q. You are as equally innocent of that as you are of the practices of the Eleventh precinct while you were captain there, were you? A. Fully.

Q. Fully as innocent; and you are also as fully innocent as you are of the charges that the grand jury presented against you in 1883 when they said that you were an unfit man to remain on the force and that you were both corrupt and treacherous; do you remember that? A. Yes; I remember it; but it was unjust.

Q. What? A. It was unjust.

Q. It was unjust? A. Yes.

Q. Inspector Williams was linked with you? A. Yes, sir.

Q. In that presentment? A. Yes, sir.

Q. Have you had anything to do with the disappearance of that presentment from the record? A. No, sir.

Q. Did you know it had disappeared from the record? A. No, sir.

Q. No; we have it; but you remember that presentment where they said that you would have been indicted but for the fact that they sought to have the police commissioners first take action in order to prevent a great public scandal? A. No; I don't remember that; it might be without my knowledge; but I don't remember it.

Q. Like the other things that occurred without your knowledge? A. Yes, sir.

Q. Do you remember the grand jury saying that they had evidence that after warrants were issued for gambling-houses in your precinct that word was brought to those gambling-houses and, consequently, arrests could not be made? A. No.

Q. And the grand jury of this county, after hearing testimony and making a solemn presentment to the Court of General Sessions, you say acted truthfully or falsely, which? A. The grand jury acted falsely; will you let me explain it?

Q. Oh, no; we are getting along very nicely.

By Chairman Lexow:

Q. Captain, how was it that during your incumbency of the captaincy there you could shut up successfully every gambling-house, as you have said there was not for six years a single gambling-house in your precinct, and yet you couldn't shut up the houses of prostitution? A. Because, Senator, you take the women to court, they are fined a few dollars and turned out on the street again to go get more money, be rearrested and pay again; the trouble is that prostitutes are fined.

Q. Wasn't that done with gamblers as well? A. Well, you could get their paraphernalia and get them away, but you couldn't with the women; a prostitute should never be fined and her money taken away from her; those women are not bad women until they are made so; they are dragged off the street and dragged before the court and their money taken away from them, and then drove out on the street again; they are not bad until they are drove to it; now, there were fully 30,000 arrests made from the 1st of January, 1876, to the 1st of January, 1878, in that little precinct alone, and I will venture to say there were not 1,500 women arrested, but arrested over and over again.

By Mr. Goff:

Q. What will become of the police and their flat-houses and tenement-houses and private properties if this evil is remedied; what would become of it? A. Well, I think rents will be lower.

Q. There would be less demand for real estate? A. Yes, sir.

Q. Less demand by the captains and by the wardmen for real estate? A. Well, I got my own, Mr. Goff, and that is all I am looking for.

Q. Yes; I see you have; how many servants do you keep? A. One.

Q. Any horses? A. No, sir.

Q. Have you reduced your establishment since this committee commenced its sessions? A. No; always the same.

Q. Have you any objection to telling us how much the furnishing of your house cost? A. I couldn't tell you exactly; probably our clothing, our furniture and all, I think, I insured it, I calculated it to be worth, everything we possess, about \$8,000; I insured for that.

By Senator O'Connor:

Q. I want to ask you a question or two; what do you mean to say, that if people would give the women the same protection given to mules and horses prostitutes would be fewer? A. What I mean by it is this; when they are arrested instead of sending them to a magistrate to be fined and money taken from them, send them to a reformatory and inquire into their history, and you will find there are a great many of these people that you see lost in the papers; as I say, the women are not bad, naturally; it is only where they are driven to it; if there was a reformatory and the money taken from them and taken care of and put the institution under good women, good, proper persons to control that reformatory, and not abuse them, not send them to jail or abuse them, but send them to a reformatory, you will find some people from Massachusetts, some from Ohio, some from somewhere else, some from Michigan; send them to their homes, and if they are foreigners, who have not been here five years, send them back to Europe and you will find as a general thing that the reason why the prostitutes and why the disorderly-houses can not be overcome is that there is no care taken of them; they haven't a friend in the world; there is no friend to a prostitute; everybody bangs her, everybody beats her; she is dragged into the station-house, taken to court, fined and thrown on the street, to go get more money and bring it back.

By Mr. Goff:

Q. That is what the police say? A. I say they might as well say that; the court says that.

Q. They are a sort of perennial revenue to the police?

By Senator O'Connor:

Q. She is avoided by all respectable people and left to shift for herself? A. Yes, sir.

Q. But that is not true in regard to men who are known to be fast? A. Ten times worse.

Q. I mean, I don't see that men suffer any deterioration in the estimation of the public no matter how bad they are? A. No.

Q. You think the social conditions ought to be equalized? A. Yes, sir.

Q. Why didn't you apply to the superintendent of police for a warrant for these houses that you knew were positively disorderly-houses? A. It was not the custom.

Q. Is that the only reason? A. It was; Mr. Walling issued an order once or twice for gambling-houses and the like of that where you could force doors to get evidence; he was the only one I ever knew who issued a warrant; I don't believe I ever heard of a superintendent to issue a dozen warrants in the time I have been on the police.

Q. You say it is impossible to suppress disorderly-houses because of the law? A. Yes, sir.

Q. What is the fault of the law? A. Taking prostitutes before a magistrate and fining them, taking their money from them; the money should not be taken from them.

Q. That may be the consequence of the way in which the law is administered; you being armed with the power, what is to prevent you from actually suppressing them and preventing their existence? A. As long as the material is there and not damaged, they will start some place else; Jane Smith will go to Jane Jones' house and move backward and forward.

By Mr. Goff:

Q. Captain, by the way, that was quite a musical district while you were in command, musical precinct; a great deal of music there? A. It gradually diminished as I went away.

Q. After you went away? A. No, before I went away.

Q. When you went away there was as much music there as when you came? A. No.

Q. Isn't it a fact that there was not a house through every street in that neighborhood that you couldn't hear the piano banging every night? A. I don't think so.

Q. You don't think so? A. No.

Q. Are you prepared to swear that the piano couldn't be heard in every house in that precinct while you were captain, every night in the year? A. I have no recollection of anything of that kind.

Q. And the windows full of women? A. No.

Q. You draw the line at that? A. I draw the line at that.

Q. Sergeant Taylor has sworn that he put in a drawer in the station-house of the Thirty-seventh precinct every month an envelope containing about \$200, indorsed "Street cleaning report;" do you know anything about that? A. No, sir.

Q. Absolutely ignorant of it? A. Ignorant of it entirely.

Q. He says he carried this money to Steers, the inspector; did you ever hear that before? A. No, sir.

Q. That practice went on, as proven by men of your own department, under your very eyes, and you didn't know anything about it? A. No, sir.

Q. You didn't know anything about it? A. No, sir.

Q. Never heard of it before? A. Not until this investigation.

Q. You have learned a good many things by this investigation? A. Not only here but every man in the police department.

By Chairman Lexow:

Q. He said, moreover, that while acting captain, he took that envelope to the inspector and as soon as he severed his connection with that office that he assumed that the captain who took his place performed the same function; now, you were the one who took his place? A. Yes, sir.

Q. Is that true? A. Yes, sir; I took his place; I relieved him.

Q. Did you perform that same function? A. No, sir.

Q. Never saw an envelope with those words on it "Street cleaning report?" A. I have no recollection; now as far as that goes I have five reports to sign every night; I generally sign them and turn them over to the sergeant behind the desk between 4 and 5 o'clock in the afternoon; he takes them and does them up and indorses them; then whatever is put in the en-

velope they put in envelopes and are placed in the drawer; the next morning they are all placed in a large envelope and sent to headquarters.

Q. Then you swear positively that you didn't fulfill the same functions with reference to that envelope that Sergeant Taylor did when he was acting captain before you? A. I do, most positively.

Q. Do you remember a presentment made by the grand jury, I think it was about two years ago, in which attention was called to the fact that the superintendent had a right to issue a warrant on his own account and pull houses; do you remember that presentment? A. I recollect there was a presentment, but I don't recollect the substance of it.

Q. Do you remember making a report as to the houses in your district at about the time of the making of that presentment by the grand jury? A. I haven't any houses in my district; I had them side-tracked for about seven years.

Q. What do you mean, side-tracked? A. On the Broadway squad where I had no night duty; understand, I drill the force, I am the military instructor of the force.

Q. Do you mean to say you haven't for seven years been in a precinct where there weren't any houses of ill-fame? A. No, sir; with the exception of the six weeks I was in the Seventh, out of that seven years.

Chairman Lexow.—Shall the captain stand aside now?

Mr. Goff.—Yes.

Hattie Ross, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. Did you ever have a house in the Fifteenth precinct? A. Yes, sir.

Q. That is the precinct, Mercer street station-house? A. Yes, sir.

Q. Was it in 1879 you opened a house there? A. I can't exactly say the date, but it was somewhere along there.

Q. What house was it? A. No. 241 Wooster street was the first.

Q. The next house? A. Two hundred and ten Wooster.

Q. Did you have the two houses running together? A. Yes, sir.

Q. Had you more than two houses running together? A. Not when I had 241 Wooster.

Q. Did you have two houses running at any one time? A. Yes, sir.

Q. What two houses? A. Eighty-two West Third street.

Q. And what other house? A. Two hundred and ten Wooster.

Q. Now, these were houses where you had girls? A. Yes, sir.

Q. How much did you pay the wardman for these two houses — you have nothing to fear from your testimony here, we want simply to get the truth; we know you paid him, and we want to have it on the record how much you paid.

By Senator Bradley:

Q. How much did you pay by the month? A. I don't know; I was down there about seven years.

By Mr. Goff:

Q. But how much did you pay a month then? A. Well, I think it was \$50 a piece.

Q. That was \$100 a month, while you were running the two houses; is that so? A. Yes, sir.

Q. Who was the captain of the precinct then? A. When I had 241, Inspector Byrnes was captain then.

Q. But he went away shortly after you moved down? A. Yes.

Q. Did you pay while he was captain? While Superintendent Byrnes was captain of the precinct, did you pay every month then? A. Yes, sir.

Q. Did you pay at all? A. No, sir.

Q. Now, you said a little while ago that you paid; now we want the whole truth here; whom did you pay; what wardman did you pay? A. Slevin was there first.

Q. He was Byrnes' wardman, was he not? A. That is the one; I seen him and Rowland too.

Q. This Slevin you paid is Captain Slevin now; the same man is captain? A. Yes, sir.

Q. You say you paid him \$100 a month? A. No, sir; I only seen him twice.

Q. How much did you pay him? A. Twenty-five dollars.

Q. Each time? A. Yes, sir.

Q. Whom did you pay after you had been paying Slevin? A. He went away and Captain Brogan come.

Q. Who did you pay when Captain Brogan came? A. There was another wardman there; I don't recall his name now.

Q. Reynolds? A. No, sir; it was the one before him.

By Senator Bradley:

Q. Is that Rowland? A. No, sir.

By Mr. Goff:

Q. Was it Sullivan? A. No, sir.

Q. However, you paid the wardman as soon as Captain Brogan came, the same as you had paid previously? A. Yes.

Q. How much did you pay under Brogan? A. Fifty dollars.

Q. Fifty dollars for each house? A. Yes, sir.

Q. Now, do you feel afraid to tell us about paying Slevin? A. Oh, no; I don't feel afraid.

Q. You have nothing to fear; has any one spoken to you about not saying anything against Slevin? A. No.

Q. You seem to be trying to shield him; why do you try to shield him? A. I don't try to shield him; he was not there long.

Q. We only want the truth of you; that is all? A. He was not there only about three months after I came down town.

Q. After you came down town? A. Yes, sir.

Q. Did you pay him each of the three months that you were there? A. Two months.

Q. Twenty-five dollars each month? A. Yes, sir.

Q. You had only one house then, had you? A. That is all.

Q. Well, you paid that \$25 for the purpose of not being pulled? A. I don't know what it was for.

Q. You paid the \$25 in consideration that you would not be pulled; was not that what you paid the \$25 for? A. I don't know what it was for.

Q. To be let alone, you paid the police? A. Well, sometimes after you pay them they pull you anyway.

Q. Was that on this occasion when they wanted to raise the ante? A. No, sir.

Q. You have been pulled after you paid, have you not? A. Oh, yes.

Q. You have been keeping a house up town, have you not? A. Yes, sir; a good many houses.

Q. In what precinct have you been keeping, Hattie? A. Nineteenth, Twentieth and Twenty-second.

Q. Nineteenth, Twentieth and Twenty-second; the first is the Tenderloin; who was captain of that while you kept a house there? A. When I first went there Reilly was captain.

Q. Did you pay then? A. Well, Mr. Powers came to see me when I was there.

Q. He was the wardman? A. Yes.

Q. What arrangement did Powers make with you? A. Well, I bought the house out from another woman, and I run a couple of months, and then he told me I could not run any longer that way; so I told him, "Well, I wouldn't stay up there," and then I went away.

Q. Did you not pay him any money? A. Once.

Q. How much? A. Twenty-five dollars.

Q. Where did you go after you left the Nineteenth precinct? A. Twenty-second.

Q. What station-house is that? A. Forty-seventh.

Q. Where was your house in the Twenty-second? A. One hundred and ten West Fifty-second street.

Q. How long did you run that, Hattie? A. I ran it until Elliot F. Shepard closed the street.

Q. Until Mr. Shepard closed the street? A. Yes, sir.

Q. How many years? A. It was about a year and a half.

Q. When you say closed the street, shut up the houses, is that it? A. Yes.

Q. That was a pretty high-toned house that you ran there, was it not—\$10 house, was it not? A. Yes.

Q. Made a good deal of money there, Hattie, did you not? A. I lost a good deal.

Q. We will get at that loss in a moment; but you made a good deal, did you not? A. Yes, sir.

Q. All ladies of color that you had there? A. Never; no, sir.

Q. White ladies? A. Yes, sir; always had a representative; I never ran my houses.

Q. You had a representative? A. Yes, sir.

Q. A white representative? A. Yes, sir.

Q. And this lady that you had as representative was a sort of sultana of your household? A. Yes, sir.

Q. She attended to the visitors, etc.? A. Yes, sir.

Q. Who made the payment to the officer; you or your representative? A. I didn't make any in that precinct at all.

Q. Who was captain of that precinct? A. Captain McAvoy.

Q. He is now inspector? A. Yes, sir.

Q. He treated you pretty well? A. Yes, sir.

Q. You say that you made a good deal of money there, Hattie? A. Yes, sir.

Q. You had some good friends there, had you not? A. Yes; very.

Q. Some good friends that protected you from paying money to the police, eh? A. No; not on that account at all.

Q. It was someone there, some one man that was well known in politics that arranged for you that the police should not interfere with you? A. No, sir; not at all; Captain McAvoy, I went to see him myself.

Q. You went to see the captain yourself? A. Yes, sir.

Q. Did you make it all right with him? A. Never.

Q. What did you go to see him for? A. Because I didn't want to break up.

Q. You didn't want to be interfered with; did the captain give you any assurance that you would not be interfered with? A. No, sir; he said he did not believe in protecting such places.

Q. But you kept right on, Hattie? A. Well, we had to keep very quiet while he was there.

Q. But your business went on, your customers visited you? A. There was no way for any one to get in; they tried to get in but they never could get in while he was there.

Q. He was not there all the time? A. The first one that was there was Captain Killilea.

Q. Did you pay while Captain Killilea was there? A. No, sir; I did not.

Q. Pay anyone? A. No, sir.

Q. Do you mean to accuse Captain Killilea and Captain McAvoy, two police captains—do you mean to accuse them of allowing you to run in that precinct without paying some money? A. I do.

Q. You are not afraid to do that, are you? A. I thought I was in a different locality; I didn't think I really need to.

Q. Didn't Jimmy Reilly visit you quite frequently? A. Yes, sir; he came in there to see me, but he didn't take money.

Q. Did he take anything else? A. What else was there for him to take?

Q. I don't know? A. He didn't want me.

Q. How is it, I want to know — how is it the wardman came to visit you? A. He came in to inquire who run the house; he tried to find out who had the house.

Q. He found out? A. Well, that time Captain Killilea went away and Captain McAvoy came.

Q. How long did it take Reilly, the wardman, to find out who kept the house? A. He didn't find out; he was in there half a dozen times.

Q. And didn't find out? A. I was not up there in that house, and that time he came I was not there.

Q. Your representative attended to your business? A. Yes; she talked to him and promised to see the real landlady and told him she was in Europe, and when she returned she would fix everything.

By Chairman Lexow:

Q. What did she mean when she said the landlady would fix everything? A. Then she would explain to him who the real madam was.

Q. And fix it in a money way? A. I don't know what way it was to be fixed.

Q. But that was your idea, was it not; you understand that was the nature of the agreement between the wardman and your representative, did you not? A. He didn't tell her that, as long as he found out she was not the madam.

By Mr. Goff:

Q. Well, Hattie, you have said that you made a good deal of money there, how did you lose it? A. Gambling.

Q. How much of it did L. Adams get? A. Forty-seven thousand dollars.

Q. Well, Hattie, did you know Mr. Adams personally? A. Know him when I see him; certainly.

Q. This money was lost playing policy, was it not? A. Yes, sir.

Q. Playing policy in L. Adams' policy place? A. Yes.

Q. How many policy places did you play in, Hattie? A. I don't know; I never kept account of that.

Q. Well, the precincts? A. Well, I always sent some one to play.

Q. Sent someone? A. Yes, sir.

Q. The Twenty-second precinct, for instance, you played there, did you not? A. I sent my player.

Q. I mean you sent to all the policy-shops up town on the west side, did you not? A. Well, I suppose they went where they liked with it.

Q. Whom did you send? A. My help.

Q. That is how you spent all the money you made in these houses? A. The best part of it.

Q. How did you lose the other portion? A. Well, that is natural, shopping and spending it, investing in houses, buying and selling.

Q. You have not lost all the money you made? A. Yes; every cent.

Q. You have? A. Yes.

Q. Are you without money now? A. Well, I may as well say so; yes.

Q. Do you keep a house now? A. No, sir.

Q. How long have you been out? A. About a year and a half.

Q. How many years would it take you to lose this \$47,000? A. Eight years.

Q. How did you keep account? A. In my business I always kept a memorandum; not exactly a memorandum, but my house affairs and everything up to figures, you know, and what I would spend daily; that went out over and above expenses.

Q. You remember the addresses of the policy-shops that you used to send your help? A. No, sir; I never kept the numbers.

Q. During these eight years that you lost this \$47,000, you had a house at No. 241 West Thirty-ninth street? A. Yes.

Q. You had a house at No. 243 West Thirty-ninth street? A. No; not 243.

Q. Did you live there? A. I never lived in 243.

Q. Had you a house in Fortieth street? A. Never a house of that kind; no, sir; I just went there.

Q. How many houses had you altogether while up town; just tell us? A. I had 104 West Forty-sixth street, 141 West Forty-third street, 207 West Thirty-third street, 152 West Thirty-second street, and 124 West Thirty-first street.

Q. Those were in the Tenderloin district, in the Tenderloin precinct, the Twenty-second precinct? A. Yes.

Q. Were you ever arrested? A. Yes, sir.

Q. Up there? A. No, sir; never.

Q. Never up there? A. No, sir.

Q. You were arrested down town in the Fifteenth? A. Fifteenth.

Q. How many years were you altogether in the Twenty-second and in the Nineteenth precincts? A. About six years.

Q. During that time you were not arrested? A. No, sir.

Q. Nor your houses raided? A. No, sir.

Mr. Goff.—That is all. We ask you to notify all witnesses to be here in the morning.

Chairman Lexow.—All witnesses subpoenaed to-day will attend at half-past 10 o'clock; the committee will stand adjourned until that time.

Proceedings of the sixty-ninth session of the committee of the Senate of the State of New York, to whom was assigned the investigation into the conduct of the police department of the city of New York, held in the Superior Court-room, Part I. in the city of New York, on Thursday, December 20, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, Cuthbert W. Pound, Daniel Bradley, and Jacob A. Cantor. John W. Goff, Frank Moss, and W. Travers Jerome, of counsel for the committee.

Chairman Lexow.—Mr. Goff, will you call your witnesses?

Walter S. Harrison, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. You are a builder? A. Yes, sir.

Q. Where is your place of business? A. Twenty-nine Broadway.

Q. I believe that you are now engaged upon competitive plans or specifications made for a contract for the United States government? A. Yes, sir.

Q. That is why I call you now to let you away; did you build the Morris building? A. I did.

Q. Is that No. 29 Broadway? A. No, sir.

Q. What number is that? A. Corner of Broad and Beaver.

Q. Do you remember what year you were building that Morris building? A. We commenced it in 1891, and finished it in 1892.

Q. Did you find it necessary to bridge the sidewalk there? A. I did.

Q. When you were constructing your vaults? A. Yes, sir.

Q. Did you have a permit for that construction? A. I did.

Q. From what department; the department of buildings? A. From the vault department.

Q. The what? A. From the vault department.

Q. That is, I presume, the bureau in the department of buildings? A. Well, it is over here, across the way; the department of buildings is up town.

Q. The department of public works? A. Yes, sir; the department of public works.

Q. While you were constructing that vault were you visited by a ward detective? A. Yes, sir.

Q. What ward detective was it that visited you? A. Mr. Burns.

Q. Ward Detective Burns? A. Yes, sir.

Q. From the Old Slip station-house? A. Yes, sir.

Q. That was during the time that Captain McLaughlin was in command of that precinct? A. Well, I don't know what captain was in command; but I supposed it was him; I never asked who was in command.

Q. That is the fact; this wardman visited you, you say? A. Yes.

Q. What did he say to you, Mr. Harrison? A. Well, he spoke to me about occupying the sidewalk; this was previous to the time that I put up the bridge; he spoke to me about occupying the streets, etc., and he told me that he expected me to pay for it.

Q. He expected to be paid for it? A. Yes, sir.

Q. What did you say? A. Well, I told him I was not in the habit of paying for carrying on my work on the buildings; and I did not think it was right and proper that I should have to pay for the privilege of it; I had my permit, and that was all I considered I ought to do; but he told me that I would have to pay the department, or at least pay them.

Q. Pay the police? A. Pay the police for, as he termed it, looking after me.

Q. For looking after you? A. Yes, sir.

Q. Well, did you refuse to pay then? A. I did; that is I demurred over it, and told him I did not want to do anything

of the kind; and I was told I would have to do it; I demurred for some little time, and he visited me afterward.

Q. That is the second time? A. A second time; yes; and soon after that I commenced to put my bridge over the sidewalk.

Q. Pardon me, a moment; when he visited you a second time do you remember a conversation you had with him? A. No, sir; something similar to the first.

Q. Then you commenced to build your bridge? A. Yes, sir.

Q. What occurred then? A. Well, I started on with the bridge, and I think I was working on it one day; I came down the next morning to the building, about half-past 8 or 9 o'clock — I had been busy up town, and got down there about that time, a little later than I was in the habit of doing — and when I got down there some of my men told me my foreman had been arrested that morning and taken up to the Tombs; so, of course, I went right up to the Tombs to see about it; I was pretty mad, and worked up about my foreman being arrested, and I rushed up there, and they had my foreman in the prisoner's pen; so, of course, I waited outside the rail until the case was called, so as to be ready if there was any fine or anything like that to get the foreman out; and after waiting quite a considerable time the case was called and my foreman went forward to the judge with the permit and showed it to him, and the officer that was with the foreman also stood alongside, you know, and said something or other which I did not hear, of course, because I was too far behind; and the case was dismissed and the foreman came out and I came down.

Q. That is, on presentation of the permit the case was dismissed by the judge? A. Yes, sir.

Q. Well? A. Then I came out with the police officer, with my foreman, and I said to the officer, "What do you mean by arresting my foreman?" well, he said, "I was sent up to do it;" well, but, I said, "He has got a permit, and everything like that, and I don't see what right you had to arrest him;" and he said, "I obeyed orders, and that is all."

Q. He said he obeyed orders? A. He said he obeyed orders.

Q. Did he mention the name of any person that issued the orders? A. No, sir.

By Chairman Lexow:

Q. Who was captain in that precinct?

Mr. Goff.— McLaughlin; he is now inspector.

Q. Well, go on? A. Well, soon after that, that very same morning, after I got down to the Morris building, probably half an hour or so after I got there, this Mr. Burns came along; and I went up to him, and I said, "What does this mean, my foreman being arrested this morning?" "Oh," he said, "that was all a mistake;" well, but I said, "That is not a very pleasant mistake for me to have my foreman locked up that way and put in the prisoner's pen;" I said, "I went up there to see about it, and he presented his permit and the case was dismissed, and the foreman came back;" "Oh," he said, "it was all a mistake;" so that was the way it was put off; and I think probably a day or two after that; I won't say positively whether it was the next day or day after that—two days—he came around again and spoke to me about what I had to do.

Q. What did he say? A. He told me that I would have to—in fact he told me I would have to pay a certain amount of money.

Q. What amount did he mention? A. Two hundred and fifty dollars.

Q. Did he say you would have to pay that in order to be let alone? A. He intimated as much as that; said that I would have to pay that amount of money, and wanted me to attend to it; he intimated as much that if I did not I would not have any peace.

By Chairman Lexow:

Q. Just what did he say? A. Well, he mentioned in this kind of manner; he said, "Pay that \$250 and we will look after you, and take care of you, and you won't have any trouble."

Q. Did he say, "You will have trouble if you don't pay it?" A. No; he did not say I would.

Mr. Goff.—But he said if he did pay it he would not have any trouble; the converse of the proposition, Mr. Chairman.

By Senator Bradley:

Q. You understood what he meant? A. Yes, sir; I understood.

By Mr. Goff:

Q. Did you pay the \$250? A. I did.

Q. Did you give the money in bills? A. Yes, sir.

Q. Did he ask you to give it in bills to him? A. Yes.

Q. Were you going to give it to him by check? A. It made very little difference to me, but I think I mentioned he could have it by check or by bills; I would not say positively; but I know he told me to give it to him in bills.

Q. Did you give it to him at that time or at a later occasion? A. On a later occasion; I think the day after.

Q. You made the appointment with him to come around the day after, did you? A. Yes, sir; I made the appointment with him; I believe I told him I would give it to him the next day, and directly the next day he came around, and I went to the station-house with him, and did not give it to him in front of the building; I gave it to him in the station-house.

Q. Who did you see in the station-house? A. I only saw the sergeant.

Q. At the desk? A. At the desk; that is all.

Q. Did you go into a private room to give it to him? A. Yes, sir.

Q. Did you hand him the roll of bills—the \$250 in a roll of bills right in there? A. He told me to go in the back room.

Q. No one but himself and yourself being present, I suppose? A. No one.

Q. Now, could you approximate the date when you paid that money? A. Not positively; I think it was somewhere about July—it may have been July or August of 1892; somewhere about that time.

Q. It was in the summer months anyway? A. Yes, sir; it was in the summer months.

Q. After that were you molested, or any of your men? A. No, sir.

Q. And we understand you correctly, do we, when you told us you had complied with all the requirements of the department and the law, as you understood it? A. Yes, sir.

Q. To get a permit to construct this bridge over the vaults? A. Certainly; I would not attempt it without.

Q. You have constructed some large buildings in the city? A. Yes, sir.

Q. The Columbia building? A. Yes, sir.

Q. And this Morris building? A. Yes, sir.

Q. How long have you been engaged in the business? A. About 15 years.

Q. Is that the only money you ever paid to the police? A. That is all.

By Chairman Lexow:

Q. It is not customary in your business to pay for every slight violation of the building laws to somebody? A. You mean if we are arrested and pay a fine?

Q. No; without being arrested; when the inspectors come around and inspect the houses you are building and you happen to make a trivial departure from the building laws, that they levy a tribute upon you; isn't that true? A. Not with me.

Q. Don't you have to pay all the way from \$25 to \$50 to the building inspectors for every building you put up in this city? A. No, sir.

Q. Don't you know there is such a custom? A. I do not know that there is such a custom.

Q. Haven't you heard there is? A. I can not say I have heard it exactly; I have heard intimation, but nothing of my own knowledge to know anything about it.

Q. Is it not generally understood in your trade that there is such a custom? A. No, sir; I think not.

Q. What? A. No; I do not think it is generally understood.

Q. But you have heard rumors to that effect? A. I have heard rumors, of course; I have heard rumors all along of different things.

Q. Has anybody approached you for payment of that kind? A. You mean from the police department?

Q. Yes. A. No, sir.

Q. Or inspectors? A. No, sir.

By Mr. Goff:

Q. You could identify this Burns if you saw him? A. Yes.

Mr. Moss.—Mr Chairman, I have a piece of evidence here which will have to be introduced in the form of an affidavit, because of the absence of the affiant from the city, and I was unable to obtain his presence before the committee at this time, and it will be necessary to make a statement concerning this document before I read it. H. M. Stanynought was a detective in the employ of the Society for the Prevention of Crime. About July, 1893, there came to me a statement that Mr. Stanynought had been corrupted by certain police officials at police headquarters and that he was taking our reports or rather his reports of our work to them. I instructed Captain Wishart, our

superintendent, to bring Mr. Stanynought to us, which he did; and I taxed Mr. Stanynought with this charge against him, and he at first denied it, being then in the presence of Captain Wishart and myself, there being a possibility of two witnesses against him on his confession.

Chairman Lexow.—The stenographer will note that Mr. Moss has been sworn and this is testimony.

Mr. Moss.—Yes, sir; I am willing to have it so. I sent Mr. Wishart out of the room and asked Mr. Stanynought to make a clean breast of this whole matter, and stating I knew he had been to headquarters; whereupon he confessed he had been to headquarters in Mulberry street, and had been giving the reports of his work to Inspector Williams. I then asked him to give me a detailed statement of the matter, and told him that in his condition of excitement, for he was very much excited, that I should not ask him to make the statement; that I desired to have it made carefully and intelligently, he might make it during the night and leave it with me the next day. He made such a statement and placed the statement in the safe in the office of the society, where it was discovered by Captain Wishart. Captain Wishart, as he has informed me, and as Mr. Kennison informed me, took this statement to Mr. Kennison's office, after having made a correct copy of it, hurried forward and compared his copy with that of Stanynought's automatic statement, and then placed Stanynought's own statement in the office safe, so that Stanynought should not be wary, by supposing it had been removed. Mr. Stanynought, the next day, declined to give me the statement he had made, although he read it to me, saying he considered himself in great personal danger from the police department, if he should put such a statement into anybody else's hand, and after several consultations upon the subject he left me. Some time afterward, I received word from Dr. Parkhurst that Mr. Stanynought was to meet him at his house with reference to an unpaid balance of salary, and desiring my presence there. I attended upon that morning. I will give you the date. That was in the next year, the 6th of March, 1894, and Mr. Stanynought was present; and I had with me this copy of Stanynought's statement which had been made by Captain Wishart, and compared as I have already stated. I showed the statement to Mr. Stanynought and told him he had committed the grave wrong against us, and was in no position to ask for the payment of any balance of salary; that we had

been willing to waive the question of punishing him, provided he had made a statement to us, put into our possession all the circumstances of the matter, and I asked him if then he was willing to make that statement, and he said he would make it. So he read this statement over, taking it into his own hands and struck out four words which appear here erased, signed it, and swore to it in my presence. I certified to it as notary public, and Dr. Parkhurst attached his signature to it to the effect that the paper was signed in his presence. With that introduction, I will read this affidavit, which is not very long.

Chairman Lexow.—Isn't it just as well to put it on record that every effort has been made by you to subpoena this witness?

Mr. Moss.—Yes, sir.

Chairman Lexow.—And that he has gone from the State, and that you can not get any clew to his present whereabouts?

Mr. Moss.—I will say further than that, Mr. Chairman, that when Mr. Stanynought placed this in my hands, signed, he told me that he considered himself in great danger now that this paper had gone out of his possession — great danger from the police force; and he asked me, as a man, not to use this paper in public until I had given him five days' notice of my intention, directing that notice to him under cover in New Jersey. Some time ago, I sent him that notice by telegraph.

Chairman Lexow.—More than five days?

Mr. Moss.—Oh, yes; more than five days, and I received a communication and reply from which I have, showing he received my notice, and I will put that in evidence later — his reply.

Mr. Moss read the following paper in evidence, and it is marked Exhibit 1 of this date:

"On July 24, 1893, I went to see Albert W. McDonald, sergeant of police at the Fifth precinct, in the city of New York; I had known him for several years. My intention in going to him was to try and obtain his help to get a good position, as I was dissatisfied with the one I had, but I had then no intention of doing the Society for the Prevention of Crime any harm. I told him where I worked, and he told me to come and see him the next evening, July 25th, which I did.

"He told me that he had seen Alexander S. Williams, inspector of police of the city of New York, and asked me how

I would like an appointment as a detective in the regular department. I told him I would like it, and he told me if I did as Williams wished, I would get it, and asked me to go and see Williams at his home, 109 East Tenth street, New York city. I went there, taking a letter from McDonald, which I gave to Williams. He asked me how I came to be employed by the society. I told him. He said, "Are you willing to tell what you know?" I said, "Yes." He asked me who I received orders from. I told him from Superintendent Wishart. He asked me what I thought of Superintendent Wishart. I told him that I was sure that he was an honest man. Williams looked at me, and said, "Do you think he would take a bribe of money?" said, "I thought not." He said, "Did you ever receive any money from anyone to give to him;" I said, "No;" he asked me if I had copies of reports; I told him yes; he said that I would hear from him in a few days through McDonald; I saw McDonald a short time after, and he told me to meet him at 1:30 P. M., corner of Fourth street and the Bowery, and to bring any copies of reports with me; this day was, I think, August 3d, but I am not sure; I met him as instructed, and we went to police headquarters, where we saw Williams; he told me that he was very sorry that his stenographer was off that afternoon to, I believe, some picnic given by one of the police commissioners, and asked me to be there the next day at 2 P. M.; I went there as requested and was introduced by Williams to his stenographer, who he called Frank, who wore the uniform coat of the New Police Department, with the rank of roundsman, but he wore no shield; Williams told him I would inform him of the manner work was done by the society, and of my connection with them; Frank then left us and went, I believe, to prepare a room for us to talk in; I then said to Williams, Inspector McDonald told me that you would appoint me a detective in the regular department if I told all I knew; "Well," he said, "You do as I say and all will be well; you will be taken care of, and put where you can make a good living;" I then went into an inner office with Frank; I read some of the reports to him, and told him how long I was with the society; when he said, "I think I could save time by typewriting direct from your reports; and he left me for a few minutes to go into Inspector Williams's room; when he returned he said, "Now, do you know of Superintend-

ent Wishart ever receiving any money from anyone connected with any of these houses;" I told him no; "Now," he said, "you remember 22 Bayard street?" I said, "Yes;" he said, "Suppose the man there had given you a letter telling you to deliver it to Superintendent Wishart, you could have partly opened it and see money in it, and resealed it and given it to Wishart, just laid it on his desk, or handed it to him; no one could blame you for delivering a letter, as you would have supposed it to be; this could have happened two or three times; and if you were backed by the man saying he did his part, you would be all right; then we might call to mind other places where the same thing occurred." I said, "No; I did not know of any such transaction;" while we were talking he kept writing in short hand. I now began to see how I was to be used, and I told him I had an appointment which I did not dare to break; so he told Williams, and I saw Williams as I passed out; he said, "I want you to remain about 20 days where you are; I will have your reports typewritten, and will let you know through McDonald when to come and sign them;" I then left and went to the Fifth precinct of police and saw McDonald; I told him Williams did not seem ready to do as I understood he would, and that he wanted too much; McDonald said, "You do whatever he says; he will appoint you, for he told me he would; and I know he will; so Harry, you do as he says;" I said, "Will, I am sick of the whole thing;" he said, "Now, do not worry; I will see Williams to-morrow, August 5th, and will see you Saturday night, August 5th, or on Sunday P. M., August 6th;" August 5th I did not see McDonald, but did on August 6th; he told me that Williams had left headquarters early Saturday, and that he could not see Williams until Monday, August 7th, and that he would see me Tuesday, August 8th; I then left McDonald; the two appointments I never kept; I am now fully aware of the intention of the police department which I am sure was, with my assistance and that of keepers of houses of prostitution, to make evidence against Superintendent Wishart, a man who I believe to be above suspicion, and I have decided to leave the city as soon as this is sworn to by me; further since my connection with the Society for the Prevention of Crime, I never saw any action of any of its officers that were otherwise than honest and honorable; I will not try to excuse myself for my actions, but acknowledge that I was willing to sell the society's secrets, but not to give false evidence to convict an innocent

man, as I believe certain officials of the police department in the city of New York wanted me to do; my reason in writing this statement and giving it to you is so that if my misdeeds are used and enlarged on by the police, that this will show my connection with them in a true light. Further, I have not sworn to or signed any statement for the police department of any kind.

HARRY W. STANYNOUGHT.

Sworn to before me this 6th
day of March, 1894.

FRANK MOSS,
Notary Public.

In presence of C. H. Parkhurst.

Mr. Moss.—This emphasizes the statement that I have made, that these police officials, while not posted upon what is going on in their own department, not posted concerning the members of their own force, who have been proved here to have been doing wrong, were taking very extraordinary means, and, to some extent, successful means to become possessed of what the Society for the Suppression of Crime was doing; and this circumstance just narrated, tallying exactly with the statement that was given to me by Stanynought, in my office on the first occasion, is another indication of the conspiracy to which I alluded yesterday, in which police officials were interested to secure crippling of the Society for the Prevention of Crime.

Chairman Lexow.—This goes a great deal further. It indicates an attempt on the part of the police to commit a crime.

Mr. Moss.—Yes; as an illustration of the Gardner case to which we referred yesterday.

Mr. Goff.—Is Captain Allaire here?

An Officer.—He is outside; I will send him right in.

Mr. Goff.—Is Robert Brown here? (No reply.) Mr. Edwards here? (Mr. Edwards appears.)

Anthony J. Allaire, recalled, testified as follows:

By Mr. Goff:

Q. Do you remember the dive kept by Owney Geoghegan, in your district? A. Yes, sir.

Q. Did you ever arrest him? A. Yes, sir; Geoghegan had quite a number of complaints against him.

Q. My question is, did you ever arrest Geoghegan? A. Me, myself; no, sir.

Q. Did your officers arrest him, while you were in command of that precinct? A. It is my impression they did.

Q. I want the fact? A. Mr. Geoghegan was arrested so often I can not tell who arrested him.

Q. Can you swear that at any time, while you were captain of that precinct, Geoghegan was ever arrested and brought to the bar of any court, and, if so, to what court? A. To the best of my recollection, he was arrested.

Q. For what? A. Either for a violation of the Excise Law or something of that kind; I can not remember.

Q. He kept open the whole time that you were in command of that precinct; did he not? A. No; he was not there all the time; he was there a large part of the time.

Q. He was there the whole of the time? A. No; the place was broken up while I was there.

Q. When was Geoghegan's place broken up? A. I think in 1886.

Q. You swear it was broken up while you were captain of that precinct? A. No; I won't swear to it, but, to the best of my recollection, it was.

Q. That was rather an important place in your precinct, was it not? A. You could find about everybody in there.

Q. It was a notorious place, was it not? A. Yes, sir; it was a notorious place.

Q. And the notoriety of the place and its evil character were frequently brought to your official attention? A. It was known as a resort of —

By Chairman Lexow:

Q. Was it, captain, brought to your official attention or not? A. No, sir; not particularly, no more than any other place.

By Mr. Goff:

Q. Were there any complaints made against that place, particularly? A. Not to my recollection.

Q. You have a convenient memory for failing to recollect very important things, have you not? A. I try to recollect the best I can, Mr. Goff.

Q. Is your memory impaired? A. No; not that I know of.

Q. Was not that an important thing to have men, citizens, preferring complaints to you, regarding the character of this house, this place kept by Owney Geoghegan? A. That is a troublesome question to me, because I can't answer it.

Q. I think it is troublesome? A. Very troublesome; I can't answer that.

Q. The grand jury of this county after hearing sworn testimony before them made a presentment in which the following paragraph occurs: "It further appeared that on the 11th of April, 1883, Mr. J. Whitney notified in writing Anthony J. Allaire of the Tenth precinct that one Owen Geoghegan kept a saloon at 103 Bowery where, without license, and in defiance of law, he sold intoxicating liquor at all hours of the night and on Sunday, and that the place was frequented by boys and girls and prostitutes; notwithstanding this notification Geoghegan sold liquor during the week, and on the following Sunday eight or ten other saloons were open and openly violating the law"—do you recollect that? A. I recollect a presentment.

Q. Do you remember the notification or not? A. I don't remember the notification.

Q. Do you remember the fact that after you received a complaint against Geohegan's place that he was selling in violation of the Excise Law and selling without a license, and that he was keeping a resort of the worst character in town, do you remember that after that he continued to violate the law and to entertain the worst characters in town? A. Do I recollect it?

Q. Yes; do you recollect it? A. Those questions are very strong.

Q. Do you recollect it; never mind the questions? A. It was frequented by both good and bad.

Q. I am not asking you that now; I ask you do you recollect if after you received notice that these open and flagrant violations of the law did not continue?

Chairman Lexow.—You must know whether they did continue in your precinct or not after a presentment of that kind, which became public property, and certainly you were interested in it, whether after that notorious and open violations of the law continued?

The Witness.—They claimed there not to sell; Geoghegan claimed not to sell.

Q. And you were influenced by Geoghegan's claim? A. No.

Q. Why did you not act? A. I sent officers there.

Q. It was not a question of claim, it was a question that you had a right to see his license exhibited publicly in his place, that is the law, no matter what he claimed — that is the law? A. Yes.

Q. Did you see the license exhibited in his place, or did you instruct any officer to go there? A. Yes, sir.

Q. What officer did you send there? A. I don't recollect now.

Q. Was the license ever exhibited? A. I couldn't recollect.

Q. Were you ever there? A. Yes, sir.

Q. Did you ever see a license there? A. No, sir.

Q. When you were in there and when you did not see a license did you arrest him for a violation of the Excise Law? A. He was not violating the law in my presence.

Q. Captain Allaire, do you mean to tell this committee and to speak to the intelligent people of New York, that you visited Geoghegan's saloon, knowing that he had no license, knowing that he had a bar in a concert-room, and refused to arrest him or to close the place because he did not violate it in your presence — do you mean that answer to go to the intelligent people of New York? A. I don't know that I can give any better.

Q. You can not give any better? A. I don't think I can.

Q. Were you in uniform? A. No, sir.

Q. You were well known, of course? A. Well known.

Q. The grand jury further made the presentment "On the 20th of April a second written notice was sent to Captain Allaire, again calling his attention to the saloons found open and violating the law in his precinct and insisting that he enforce the law; nevertheless, on the following Sunday, a number of saloons were selling liquor in his precinct;" have you got any explanation to make to that presentment by the grand jury? A. I never recollect but one.

Q. I am reading from this paragraph, each of these paragraphs; the presentment is of being guilty of different acts of official negligence, amounting to crimes? A. The day that I understood such a presentment was made was of eight saloons and Geoghegan's on that Sunday; those eight and seven others were arrested; now, you call my attention to it; it is hard for me to remember; Geoghegan's place was closed that day, the

Sunday you speak of; and the only person that was in there was Officer Smock, a dog, and a watchman.

Q. Your memory is becoming a little refreshed? A. Yes; I have got to think over a lifetime; Mr. Goff, will you let me ask you, was there any record of that grand jury?

Q. Was there ever any record of the presentment? A. Presentment; but was there any evidence ever taken before that grand jury?

Q. I was not before the grand jury, were you? A. No, sir.

Q. The grand jury declare on their oaths that there was sworn testimony, and the grand jury could not have made a presentment unless they had sworn testimony before them? A. Mr. Thurber stated to a friend of mine that there was not any testimony.

Q. Never mind, what a friend of yours stated; this is the action of the grand jury in this city and county, and it forms part of the record; and the grand jury further says, "In the opinion of the grand jury the failure upon the part of these officers to enforce the law — meaning yourself and Williams — to enforce the law in their respective precincts indicates either that these officers are willfully conniving at the flagrant violations of law which have long existed in their precincts, or else that they are incompetent and unfit for the positions which they now hold;" do you remember hearing that from the presentment of the grand jury? A. Yes; that was all in it — we had no Lexow committee then.

Q. If we had had a Lexow committee then, the chances are a thousand to one that the presentment to the grand jury would have been verified while we had the facts fresh? A. Why didn't they indict; I will give you a presentment from the citizens of the neighborhood if you will let me; from that very same thing; I have got it in my pocket; and from the ministers.

Q. I can apprehend what the citizens of that neighborhood would give you? A. Will you read it, sir?

Q. Let me look at it? (Witness hands counsel the paper referred to.) A. Glad to do it; it is a communication sent by the citizens to the board of police — excuse me if I am a little nervous under a five or six gun battery.

Q. You are an old vet., you ought to be used to it? A. Now, if you will read that, and read that all down there and the remarks of the ministers I will stand on it; and here is a letter

from Anthony Comstock, if you want that; please read it aloud so that the Senators can hear it.

Q. You proceeded to get up this indorsement from the citizens of that district? A. No, sir; I never asked for it.

Q. After the presentment of the grand jury was made? A. No, sir; I never asked for it.

Q. It was after the presentment of the grand jury? A. Mr. Goff, I never asked for it.

Q. I am asking you if you proceeded to get this presented to the board of police? A. No, sir; I did not.

Q. How did it get printed in the city official record? A. The citizens done it and forwarded it to police headquarters.

Q. Is that the use the city official record is made of? A. That is what they seem to have made of it; it is a communication from citizens.

Q. Captain, would you allow me to retain this, and I will give it back to you? A. Yes; you won't lose it?

Q. No; I won't lose it? A. That is part of my character.

Q. Have you to depend upon that for your character? A. Yes, sir; a policeman's character is always in the air.

Q. The grand jury further says, in this presentment, "In conclusion, we earnestly recommend that the district attorney should give his special attention to this subject, and spare no pains or reasonable expense to ferret out and bring to speedy justice any and all of these custodians of the public safety who have been false to their trust. While we hesitate to prefer a criminal charge, by way of indictment, against these captains, we earnestly recommend and urge that Captain Williams and Captain Allaire be removed from their positions on the force on account of their manifest unfitness? A. Yes, sir; that is cheap.

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Q. Your memory seemed to fail you so much yesterday, I thought I would refresh it to-day; this grand jury presentment did not disturb you in the least; did it? A. No, sir.

Q. Things went on in the same old rut? A. I felt, under the circumstances, I had been doing my duty, and for that reason I had no fear of the grand jury; I would rather have an indictment than a presentment, then there is a chance to defend yourself.

Q. I want to ask you one or two questions about this steamboat squad; you testified, yesterday, that you never heard that steamship companies had to pay to police officers detailed for

duty on their piers until it came out before this committee? A. Yes, sir; I will explain to you why I never heard it.

Q. Just answer my questions, please; you mean to say that you, as captain of a precinct, of such limited scope and jurisdiction as the steamboat squad, could have been in command of that precinct for two years or over, without knowing of corrupt practices existing among all your policemen? A. I must plead ignorance, sir.

Q. You plead the same ignorance of that as you do to the corrupt practices carried on in the Eleventh precinct, while you were captain there? A. Yes.

Q. You said, yesterday, that you instructed your men and forbade them to accept blackmail; now, I would like you to fix that; fix that occasion, as to the time? A. I can not; at 6 o'clock in the evening —

Q. Pardon me a moment; then it was a general instruction, was it? A. General instruction at 6 or 8 o'clock to enforce all laws.

Q. Then they were instructed every day? A. Every day.

Q. Not to accept blackmail? A. I don't think that blackmail was mentioned; but to enforce the law.

Q. That is general, of course; we know there are a great many ways of killing a dog besides hanging him; now, captain, you understand, as an old policeman, that it is easy for a captain to give orders formally, and while giving the orders to wink the other eye? A. No, sir.

Q. What occasion was there for you to admonish the men in your command not to accept blackmail? A. It was not given in that language.

Q. What language did you give it in? A. Enforcement of all laws.

Q. That is general; that is a platitude; enforcement of all laws; if all the laws had been enforced, captain, this committee would never have had to come down to New York — then your orders were not carried out? A. Could not have been according to your theory.

Q. Not to my theory, but according to the facts and according to the grand jury of this county? A. Yes; that is the true state of affairs.

Q. They were not carried out? A. No.

Q. The three sergeants of your precinct have sworn in relation to this envelope placed in the drawer of the desk, and they have sworn that no officer had access to that drawer, or had a right to open it, except the three sergeants and the

captain; now, can you say that you had any knowledge of the contents of that envelope? A. No, sir.

Q. Any knowledge that it was there? A. No, sir.

Q. Knew nothing at all about it? A. No, sir.

Q. And all this time, Captain Allaire, these corrupt practices were being carried on right under your nose and you knew nothing about them? A. So it seems from their statement.

Q. Every month? A. Yes, sir; from these statements.

By Chairman Lexow:

Q. And that your predecessor was the collector? A. Well, I don't know.

By Mr. Goff:

Q. And he continued to be the collector under your command? A. I don't know anything about that.

Q. He swears so? A. That is his business; I never authorized him to collect.

Q. What did you do as police captain to earn your salary and enforce the laws that you were directed to enforce; what did you do after these corrupt practices were carried on day after day for years without your knowledge? A. Could be done easily enough.

Q. Could be done easily enough? A. Yes.

Q. So that we have it that a police captain can be hoodwinked? A. He can; he is only one man.

Q. I do not say he is a Siamese twins; we have it that a police captain in his precinct can be hoodwinked and imposed upon even by his own men? A. Yes, sir.

Q. And that blackmail and extortion may be carried on, both, without his knowledge? A. Yes, sir.

By Chairman Lexow:

Q. The sergeant who was acting captain before you has testified here that an envelope was put into that drawer, and that the only men who could take that envelope away, and give it to the person for whom it was intended, the inspector of headquarters, was either the captain or the three sergeants; now, he swore that after he ceased being acting captain, he didn't do it; two other sergeants have equally testified that they didn't do it, so that substantially throws it upon your shoulders; do you mean to say that all these three men have

perjured themselves here before this committee? A. So far as I am concerned, they have; I never saw it or knew of it; when I first went to that precinct, I went to each and every one of those docks, and the inquiry that I made was, "How are matters conducted here; is everything done properly; have you any complaints to make;" they assured me that everything was perfectly proper and that they wanted to retain the officers then on the dock.

Q. Did you ask them whether or not they were paying any money to the officers on the dock? A. I never thought of such a thing.

Q. Every policeman that we have on the stand here has sworn, even if he has not admitted that he has taken blackmail, that there was a general rumor pervading the force that that was an established custom; is it possible that you, as captain of that precinct, knew nothing at all about what other men call an established custom—is that possible, captain? A. It is possible.

Q. And you had yourself heard no rumors at all? A. The precinct had been broken virtually up when I went there by the captain before me; there was a night patrol at the ferries and all that; when I went there the ferries were taken away; the night patrol was dismissed, and they were simply confined down to the docks.

Q. I ask you whether or not you did not even understand there was a rumor, or heard of a rumor, to that effect? A. No, sir; the principal part of my time was drilling the force; I spent very little time on the docks, and then generally on the Saturday.

Chairman Lexow.—Do you wish to ask any further questions?

Mr. Goff.—No, sir.

Mr. Goff.—Is Captain Meakim in court?

Captain Meakim.—Yes, sir.

Barbara Strauss, a witness called on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. How long have you been married, Mrs. Strauss? A. I am married 28 years.

Q. Have you been talking with your husband about your testimony? A. No, sir.

Q. Do you mean to tell us that your husband and you have not spoken over the testimony? A. No, sir; I have nothing to speak with him about.

Q. You are very ready to answer me, Mrs. Strauss, on that subject? A. Yes, sir.

Q. Not spoken a word about it? A. No, sir.

Q. Did you tell him that you were required here? A. Well, I was sent for, and I seen that I was required here.

Q. You was sent for yesterday? A. I was sent for Tuesday.

Q. And since Tuesday you have not exchanged a word with your husband about this committee? A. No, sir; I have not.

Q. Nor he with you? A. No, sir.

Q. With any other person have you talked, Mrs. Strauss? A. No, sir.

Q. I suppose, Mrs. Strauss, you have pretty well come to the conclusion to answer as little as possible here, have you not? A. Well, I don't see what I have to answer.

Q. And that is the line that you have determined upon following, is it not? A. Well, I was sent for, and I thought I would come here to answer the questions that you ask me.

Q. And you start out by asserting that as a truth, that you have not spoken to your husband? A. Yes, sir; I have not spoken to my husband; I have nothing to speak to him about.

Q. I understand; was your husband on the police force when you were married? A. No, sir.

Q. What business was he in? A. He was in the butcher business.

Q. On his own account? A. Well, he has been on his own account, and then he was a workingman.

Q. At that time that he joined the police force was he working for somebody else? A. Yes.

Q. He was employed by somebody else? A. Yes.

Q. What were his wages? A. I couldn't say his wages, that time was a different time, he was working in a slaughter-house for a man.

Q. Where were you residing, Mrs. Strauss, when your husband first went on the police? A. One hundred and eighty-eight Stanton street.

Q. In apartments? A. Yes, sir.

Q. Where are you residing now? A. I am residing now in Seventieth street.

- Q. What number? A. One hundred and sixty.
- Q. No. 160 East Seventieth street? A. Yes, sir.
- Q. How much rent do you pay for the house? A. We only have the parlor floor and basement, live in a flat.
- Q. Half the house? A. It is a five-story house, that we only have the parlor floor and basement; there are four families in the house.
- Q. Do you own the house? A. No, sir.
- Q. Do you rent it? A. Only the parlor floor and basement.
- Q. Rent your apartments? A. Yes, sir.
- Q. From whom? A. From a man named Boyle.
- Q. How long have you been there? A. Well, in April, I believe it will be two years.
- Mr. Goff.—Is Officer Wallerstein in court?
- Officer Wallerstein stands up in response to the call.
- Q. Do you know that officer that stood up? A. Yes, sir.
- Q. Intimately? A. Well, he is a distant relation.
- Q. Of yourself or your husband? A. My husband.
- Q. Has he ever been in the precinct with your husband as far as you know? A. I don't know.
- Q. I don't want to puzzle you about these matters of police arrangement? A. I never interfered with police business.
- Q. I understand; if you do not know say so; you do not know, do you, whether he has been in the same precinct? A. No; I don't know; I have so much to do with my children that I haven't time to interfere with police business.
- Q. Did you ever own a house? A. No, sir.
- Q. Ever had a house in your name? A. No, sir.
- Q. Ever bought any property? A. No, sir.
- Q. How old is your eldest child? A. Twenty-four.
- Q. Male or female? A. Male.
- Q. Is he living with you? A. Yes, sir.
- Q. Unmarried? A. Unmarried; yes.
- Q. Does he own any real estate? A. No, sir.
- Q. Your daughter? A. No, sir.
- Q. Have you got any savings bank accounts, Mrs. Strauss?
- A. No; only one bank, that is the Bowery Savings Bank.
- Q. Is that in your name? A. No, sir; it is in my husband's name.
- Q. Have you got any accounts in your own name? A. No, sir.
- Q. Or in any of your children's names? A. No, sir.

Q. Or in any of your relatives' names? A. No, sir.

Q. And so far as you know that is the only bank account your husband has? A. That is the only bank account.

Q. Have you got any certificates of trust? A. No, sir.

Q. Any money in the trust companies? A. No, sir.

Q. Got any bonds or mortgages, Mrs. Strauss? A. No, sir.

Q. How long have you been living in Seventieth street? A. Well, I told you in April, I think, it will be two years.

Q. Where were you living before you lived in Seventieth street? A. I lived in Orchard street.

Q. Was that when your husband was sergeant? A. Yes, sir.

Q. Mrs. Strauss, you have had to rely upon your husband's salary as a policeman during your married life? A. Yes, sir.

Q. You have no money of your own? A. No, sir.

Q. Nor had he any means outside of his policeman's salary? A. No, sir.

Q. He has had nothing but his policeman's salary to depend on? A. That is all he had.

Q. And you have succeeded in saving a very little out of that; is that true? A. Very little; being as we had a large family; sick children all the time; we saved very little.

Q. How long is your husband captain—about a couple of years? A. I think it is—yes; I think it is three years; I am not sure of it.

Q. Have you got any money or property of any description? A. No, sir; if I had I would tell you.

Q. Do you hold any bonds and mortgages? A. No, sir.

Q. Do you hold any promissory notes of anyone? A. No, sir.

Q. Have you ever been witness in a court in any proceeding? A. Never; this is the first place I have been.

Q. Now, when your husband was appointed captain, he had not any money, had he? A. No, sir.

Mr. Goff.—I will excuse you for the present, Mrs. Strauss.

William Strauss, recalled, testified as follows:

By Mr. Goff:

Q. You are the original pantata, eh? A. I don't know anything about that.

Q. You are the man that was first honored with the word added to our English language—Pantata, are you not? A. So I believe from what I have seen in the papers.

Mr. Goff.—Officer Wallerstein, stand up.

Q. Do you know that officer? A. I do.

(At the request of counsel, Officer Wallerstein then left the court-room.)

Mr. Goff.—Is Officer Leonard in court?

(No response.)

Q. You know Officer Leonard, do you not? A. I do.

Q. Do you remember when you sent Officer Leonard to watch the fence on election day in 1893? A. I explained that.

Q. Answer my question?

By Chairman Lexow:

Q. Do you remember the fact? A. I do remember the fact.

By Mr. Goff:

Q. Officer Leonard had been complained about that he was too officious at the polling place, had he not? A. No, sir.

Q. Why did you take him away from the polling place? A. I did not take him away.

Q. He swore you did? A. Well, he swore to an untruth.

Q. Did he not report to the station-house to you? A. No, sir.

Q. How is it that he was sent to watch the fence when he was assigned to duty at the polling-place? A. He was relieved for breakfast at the polling-place; I sent another man there; he came to the station-house and he went to breakfast and voted, and after he came back there was several citizens in the station-house complained about boys breaking windows up on Third avenue and Seventy-sixth street; they were paving the avenue at the time, and there were some of these small stones lying there, and I sent him up there the day before; there were three or four gentlemen that came to the station-house, complaining about a lot of fences on Avenue A, where there is vacant lots; they wanted their property protected, and I told them that I would send a man there, and I told the sergeant if he had a spare man to send him there.

Q. This Officer Leonard had been assigned for duty all day at the polling-place? A. No, sir; he was not; every officer, after he has been there for two or three hours, is relieved for breakfast and to vote.

Q. After he has breakfast and votes he goes back? A. He goes back sometimes.

Q. That is the general rule, is it not? A. No, sir; there is no rule about that.

Q. Is it not a general rule where an officer is assigned to duty on election day at a particular place, that he shall remain there unless there be some good cause? A. No; there is no rule about that.

Q. Do you mean to say, Captain Strauss, that it is not a rule of the department where officers are assigned to duty at polling-places they are not assigned for the whole day? A. I mean to say that there is no rule like that in the department at all.

Q. There is no rule? A. No, sir.

Q. When you say rule, do you mean the printed book of rules? A. Well, the book of rules or any other rule; there is no rule relative to that at all.

Q. Has it not been the practice? A. It has not been the practice; no, sir; they all get relieved for a time, either for breakfast or dinner.

Q. Was there not a complaint made against Officer Leonard for his conduct at the polling place? A. There was not.

Q. Heard nothing at all about it? A. No, sir.

Q. Then Officer Leonard must have sworn to a falsehood from beginning to end here? A. I suppose he did; there was no complaint made to me.

Q. Did you know of a complaint? A. I did not.

Q. Officer Leonard swore that because he sent away a loafer; threatened to arrest him; that the leader of the district went up to the station-house to you and complained of him, and he was immediately relieved, and that it was not at breakfast time in the morning, but that it was in the afternoon? A. I don't know anything about the afternoon, only in the morning; I passed there and Officer Leonard spoke to me; he said, "I have had no breakfast yet; I haven't been relieved and I haven't voted;" I said, "The first man that comes to the station-house I will send him to relieve you;" I saw an officer coming from the court, and I said, "Did you have your breakfast?" he said, "Yes;" I said, "Then you go and relieve Officer Leonard;" that is all I know about it.

Q. What understanding was there at the time between the leader of the district and you relative to officers at polling places? A. No understanding whatever.

Q. No conversation had with you? A. No, sir.

Q. From whom did you receive your orders with regard to the placing of policemen at polling places? A. From the superintendent of police.

Q. And not from the commissioners? A. From the superintendent of police.

Q. And not from the commissioners? A. No, sir.

Q. You had no orders from the commissioners, or any one of the commissioners? A. There is a general order issued for election day.

Q. I know about that; had you your orders from the superintendent alone and from no other person? A. No, sir.

Q. No other person; you were a captain in 1892, were you not? A. I was.

Q. From whom did you receive your orders in 1892? A. I was not captain in 1892; not at the election.

Q. When in 1892 were you made captain? A. I was made captain in December, 1891.

Q. Then if you were made captain in December, 1891, then you must have been captain in 1892? A. Oh, yes; I beg your pardon, that is right.

Q. Then you are mistaken? A. I am mistaken; yes.

Q. From whom did you receive your orders around election time, touching the elections in 1892? A. From the superintendent of police.

Q. From no other person? A. No, sir.

Q. Clear about that? A. I am.

Q. Do you remember when all the captains were brought to police headquarters the Sunday before election? A. I do.

Q. You saw the superintendent? A. Yes, sir.

Q. Heard him give his orders? A. He give us the orders.

Q. After the superintendent had given you the orders and before you left did any other police official enter the room? A. I don't remember.

Q. Did President Martin enter the room? A. I don't remember.

Q. Did you not hear Byrnes and Martin quarreling over the orders that Byrnes had just issued to the captains? A. I was not there at the time; I did not hear any.

Q. You were there under orders? A. I was there under orders from the superintendent.

Q. I ask you if while you were there President Martin did not enter the room where you and the other captains were, and if

President Martin and Superintendent Byrnes did not engage in an altercation about the orders that Byrnes had given? A. Not to my knowledge.

Q. If such had been the case, do you think it would have escaped your knowledge? A. I don't remember; I don't remember of seeing President Martin in the room wrangling with the superintendent; I got my orders from the superintendent.

Q. I know all about that; after Superintendent Byrnes had issued his order, and immediately upon his uttering the last word, did not President Martin stand up and address you and the other captains? A. I don't remember, sir.

Q. Is it possible that a police captain's memory should fail him, within such a short period of time, regarding such an important transaction as that? A. I don't remember that.

Q. You don't remember? A. No, sir.

Q. Do you remember that after Martin got through that Byrnes got up and said if any captain obeyed his orders he would take the buttons off him? A. I don't remember that.

Q. Your memory fails on that? A. I don't believe there was anything like that; there was nothing like that said while I was there.

Q. All this matter took place while you were there with the other captains, that is, if you were there, and you said you were? A. I was there, but I don't remember anything of that kind occurring during the time I was there.

Q. Was there any conflict of opinion or of instructions between the superintendent and the commissioners while you were there in 1892? A. No, sir; not that I know of.

Q. Now, we will say, in regard to the attitude of the police to the United States marshals, was that subject spoken of by Superintendent Byrnes? A. I don't remember.

Q. Don't remember — that was the year of the presidential election, very important election, don't you remember anything at all about it? A. I don't remember, only the orders we got relative to election day.

By Chairman Lexow:

Q. Is it possible, captain, that you do not remember a fact that at one time promised to be as great a sensation as this city ever had, when it looked as though there would be a conflict between the United States marshals and the police of this city — do you not remember that? A. I don't.

By Mr. Goff:

Q. Is it not a fact that you have come on the stand here with the determination to forget everything that you are afraid of?

A. I am not afraid of anything, sir.

Q. Are you going to forget everything? A. No, sir.

Q. Do you mean to say, you, a police captain, the original pantata of the city of New York, that you have forgotten such an important thing as a conflict between Superintendent Byrnes' men, touching your duties on election day, when the superintendent threatened to take the buttons off you, if you disobeyed his orders; do you mean to say that has escaped your memory? A. I did not hear of any such conversation at all.

Q. Was it not spoken of there, that if the orders issued by one official were carried out there was a great danger of a conflict between the police and the United States officers? A. No, sir.

Q. Knew nothing at all about it? A. No; I don't.

Q. Now, was President Martin there? A. I don't remember it.

Q. Do you remember what orders you got from the superintendent? A. Yes, sir.

Q. What were they? A. We had orders to send two men at the polling-place, to be there at 5:45 a. m., and preserve the peace and protect the voters.

Q. Is that all? A. And see that the Excise Law was not violated, and allow no one to electioneer within half a mile from the polling-place.

By Chairman Lexow:

Q. Half a mile? A. Quarter of a mile.

By Mr. Goff:

Q. Quarter of a mile? A. Or at least 150 feet — 150 feet from the polling place.

Q. Have you got it now; 150 feet from the polling place? A. Yes, sir.

Q. You are sure about that? A. I am.

Q. So that when you said a half a mile your mind was wandering away, was it not? A. My mind was not wandering; I simply made a mistake.

Q. When you said a quarter of a mile you made another? A. I said 150 feet from the polling place.

Q. Any other instructions given to you?

By Chairman Lexow:

Q. Do you not remember what your instructions were in pursuance of your official capacity? A. Yes, sir.

Q. Well, state them? A. I did state them.

Q. Was there anything more? A. To preserve peace.

Q. Was there anything more than you have stated? A. Nothing more — to arrest all violators of the law.

By Mr. Goff:

Q. Arrest all violators of the law, and that is the stock instruction, is it not given at every election? A. Yes, sir.

Q. You heard that as soon as you had been on the police force to arrest all the violators of the law? A. Yes, sir.

Q. And yet the grand jury of this county, after that election, found over 70 indictments against election inspectors and election officials, and there was not one arrest made by you or any other policeman in New York of the violators of the law? A. There was an arrest made by me, sir.

Q. And no conviction? A. I don't think it has been tried yet.

Q. Were the fellows you arrested indicted? A. There is one or two cases pending yet, I believe.

Q. Pending yet, since 1893? A. No; since last election.

Q. I am talking about 1893? A. No.

By Chairman Lexow:

Q. Captain, was there any motive for this policeman to have sworn falsely with reference to his transfer? A. I don't know.

Q. Had any trouble with him? A. I did not.

Q. Can you assign any motive for this man going upon the stand and committing flagrant perjury to a question of that kind? A. I can not.

Q. Do you not think, in view of that fact, that there is absolutely no motive that you can conceive of that your recollection must be at fault, and that his must have been correct? A. There was no motive either on my part.

Q. Do you not think, in view of the fact that you failed to remember so many things, it is possible that you may have an omission of memory in this case? A. No, sir; I remember that case perfectly well.

Q. Why is it that you remember that case so very well? A. Because I see it in the paper, and when I saw it in the paper that this man made such a statement —

Q. But your memory in that case must date back from the time of the occurrence; now, what was there about the case that day that impresses itself upon your memory; the simple fact that you relieved the man to get a cup of coffee for breakfast was not such an important fact as to impress itself upon your memory — what was there about it? A. I remember his stating to me, he said, I have not been relieved, I want to get my breakfast and vote; I said all right, the first man that comes in I will have you relieved.

Q. There is nothing remarkable about that fact? A. No.

Q. Why did the case impress itself upon your memory? A. When I saw in the paper the statement that this man made that is the reason it impresses itself upon my memory.

Q. Now, a district leader has sworn before this committee that it was understood and stated at their meetings that the police force of this city was favorable to them and all they had to do was to vote and they would be protected — do you know anything about that? A. I do not.

Q. And moreover the admission was made that the district leader had the right to select the particular officers who were to be detailed at the various polling places — was that right? A. That is not right, not with me.

Q. Will you swear that no district leader came to you with reference to the appointment of men at the various polling places in your district? A. I will.

Q. Absolutely? A. Yes.

By Senator Bradley:

Q. Never furnished you with any list? A. No.

By Chairman Lexow:

Q. Never furnished you with any of the names? A. No.

Q. Never made any requests of you? A. Never.

Chairman Lexow.— All witnesses under subpoena this morning will attend here again at half-past 2 o'clock; the committee will stand adjourned until that time.

AFTERNOON SESSION.

December 20, 1894.

Present.—Senators Lexow, O'Connor, Pound and Bradley; and counsel as before.

William J. Mooney, residence 319 East Forty-third street, having been previously sworn, testified as follows:

Mr. Goff.—I wish to place on record, Mr. Chairman, the purpose I had in producing Mr. Harrison, the builder, this morning, who testified to the payment of \$250 to the wardman of Captain McLaughlin. I wish to establish the fact, as we have been trying to get along, and to refrain from going ahead until at least we have some fact to go upon. I proposed to have Burns on the stand here, and to get from his examination what he did with the money that he received, not only from this builder but from other builders—Mr. Fitzpatrick refused to pay him, it is true; but he got money from other builders. Mr. Burns was Mr. McLaughlin's wardman in that precinct, and also in the Tenth, now the Eleventh, and also in the Tenderloin precinct. We have been using every effort in our power, and even calling upon some of the men in the detective bureau to get Burns here. Burns has been broken on the police force on charges preferred by Superintendent Byrnes on the 31st of August, due to developments before this committee. Burns has left the city, and we can not get a subpoena on him. But for that we would have Burns to follow up that man's evidence. I call this officer. I say I hold the official record in my hands relating to Burns' dismissal from the police force. I wish to ask this witness a few questions in order to complete the line of testimony on the Captain Creeden matter, which possibly the public authorities of New York may be anxious to have completed on the record.

By Mr. Goff:

Q. Officer Mooney, were you attached to the Eleventh precinct while Captain Creeden was there as sergeant? A. Yes, sir.

Q. Now, I will come right to the point, Officer Mooney; were you sent by Captain Creeden to see Reppenhagen? A. Yes, sir.

Q. What message did you receive? A. Allow me in my own way to state it?

Q. Yes; officer? A. Now, the day of the month I can not give you, but it was the day—the day of the month was the day that the last two captains were appointed, just before Captain Creeden's appointment.

Q. That was in January? A. No; I guess it was in December, wasn't it?

Q. December; that is right? A. I came to the station-house in the morning; Captain Creeden now, Sergeant Creeden then, had the desk; it was a short day; I came into the station-house and he was at the desk; and I says to him, "Are you going to be lucky enough to catch on to-day?" and he says, "No; Mooney, I guess not" he says, "My friend that has been promising it to me all along, Hogan."

Q. Eddie Hogan; you understood Eddie Hogan, the Senator? A. I don't know Hogan; he said, "He promised me it all along, and up to the last minute he told me he could not do anything for me;" and he said, "I would like to get it to show him I could get it in spite of him;" I said, "Can't you reach Commissioner Voorhis or any of the rest of them;" and he says, "I don't know;" he says, "I hear that they are all slated to be made to-day; I hear Commissioner Voorhis is going to make Sergeant Wiegand;" and I says, "Can't you go and see Repp;" and he says, "No; you go around and see him for me."

Q. When you said "Repp," who did you refer to? A. Mr. Reppenhagen; he says, "You go and see him for me, and whatever you can do with him I will be satisfied;" I went around to his liquor store, on the corner of Broome and Chrystie street and asked his bartender there, was Repp in; that is the way I called him; and he says, "No; he is home abed; he has been up all night;" I went up to his house, and rang his door-bell, and his wife came to the door, and she invited me in, and I says, "Is Mr. Reppenhagen in;" and she says, "Yes; he is abed, and asleep; he was up all night;" I says, "I would like to see him;" she says, "He is tired, and gone to bed, and you can not see him;" and I said, "I would like to see him on something important;" I says, "Go in and tell him I am Officer Mooney, and would like to see him;" she went into the room and came out and said, "All right; go in and see him;" I went in where he was sleeping, in a front-room on a folding-bed, and I passed the time of the day with him; and he says, "Sit down;" and I sat

down on the edge of the bed; and I says, "Repp, I came up here to see if you can not do something for Tim."

Q. When you said "Tim," who did you mean? A. Sergeant Creeden; he said, "What is the matter with Tim; is he in trouble;" I says, "No; he is in no trouble, any more than he would like to see if he can be made captain;" "Well," he says, "Mooney, why didn't you come a week before; it is pretty late now; Wiegand is slated to be made by Commissioner Voorhis, and he is the only one I can possibly reach;" or something like that.

By Chairman Lexow:

Q. He said that to you; are you certain of that? A. Yes, sir; I know he said it; and he says, "I don't know," it is so late, that I can do anything, but I will get up and go to headquarters and see if I can reach Mr. Martin;" I says, "Commissioner Martin?" and he says, "No; not Commissioner Martin; but Martin that ran for coroner and was defeated;" and he says, "That Wiegand was slated to be made for \$12,000;" and he says, "The money was up;" he says, "I don't know what he can do now;" "Well," I says, "if you will make Creeden captain, I will raise the ante \$3,000;" and he straightened up on his elbow, in bed, and he says, "God; that is pretty good;" and he says, "Well, I will have to go and get shaved first;" and I says, "All right;" he got up, and says he, "Now, Martin, has run for coroner and got defeated; and spent a good deal of money, and I have been to a good deal of expense;" and he says, "There is \$5,000 for me, and \$5,000 for Martin, and \$5,000 for Voorhis;" and he says, "It will help us all out in our election expenses;" and he says, "You meet me before noon, between 11 and 12 o'clock, and I will tell you;" and I says, "All right;" I met him, and he says, "Wiegand's appointment has been deferred."

By Mr. Goff:

Q. The same day? A. The same day; and he says, "I am to meet Martin again;" and he says, "If you will meet me at 4 o'clock, I will give you a decided answer;" I says, "All right;" I met him at 4 o'clock, and he says, "Creeden will be appointed in case that money is forthcoming;" I says, "He can not put the money all up at once;" and he says, "You have to put up something; in case it falls through we have something

for our trouble;" and I says, "All right, so far as I am concerned;" and I went and told Creeden, and I went back and Reppenhagen says, "I want \$5,000 bonus; in case it falls through we keep the \$5,000; and in a week or two put up the other \$10,000;" and I went back and told Sergeant Creeden; and he says, "It was a pretty hard matter to raise the money," or something like that. "so quick;" and I says, "If I can do anything for you, I will do it for you;" I went down the Bowery and met Martin Kirby, and I asked him, and he said, "I will give \$1,000; and I think I met John Howard, and he says, "I spent a good deal of money, and I don't know whether I can spare it or not;" and I went back and told Sergeant Creeden, and that is so far as I know, positively, any more than Frank Wilson told me after that; that is all the connection I had with the case.

Q. That is all you know, of your own knowledge, about it?
A. Of my own knowledge; yes, sir.

Mr. Goff.— That will do, officer.

Captain William Strauss, recalled as a witness, testified as follows:

By Mr. Goff:

Q. Captain, you have gone over with your wife the testimony that she gave here before the committee, have you? A. What is that?

Q. You have spoken with your wife about the testimony that she gave before the committee to-day? A. I have not.

Q. Haven't you had a conversation with her during recess?
A. I did not; not about the —

Q. You had a conversation with her during recess? A. I did.

Q. And you mean to say that you did not talk with her about what she had testified to here? A. I asked her, and she says to me, "They asked her what money you had, and whether she had any property, etc.," and that is all.

Q. So you know, now, she testified she had no property? A. Yes, sir.

Q. Well, you knew, captain, she was going to testify to that before she went on the stand? A. I did not; I had no idea what she was going to testify to.

Q. You mean to say, that yourself and wife, cohabiting together since last Tuesday, has not spoken at all a word about either of your testimony before this committee? A. She asked me when she was subpoenaed — she came here — she asked me,

"I wonder what they want me for," and I said, "I don't know;" that is all the conversation we had.

Q. That is all the conversation you had? A. Yes, sir.

Q. Not a word was spoken between you, or by either of you since that time, about the examination that either of you would undergo at the hands of this committee? A. We did not have any idea what we were going —

Q. Did you have any conversation; I am not asking about your idea? A. No, sir.

Q. Not a word? A. No.

Q. You both agreed upon that statement, did you not? A. We did not agree on any statement at all.

Q. Did you not agree that each of you would testify in that way? A. No, sir.

Q. That you had no conversation? A. No.

Q. Nor with any member of your family? A. No, sir.

Q. Well, captain, you are as poor to-day as you were when you went on the police force, are you? A. Yes, sir.

Q. You had no means when you went on the police force? A. No, sir.

Q. You have no means to-day? A. I have not.

Q. Taken up all your salary in the support of your family? A. Yes, sir.

Q. I understand you to say that you have simply a bank account; one bank account at the Bowery Savings Bank? A. Yes; I have got about \$100 there, I guess.

Q. Did you bring your bank-book? A. I did not; no, sir.

Q. You may have forgotten, but I asked you to bring your bank-book? A. You did not ask me.

Q. You will bring it to me or send it to me? A. Certainly.

Q. Well, do you remember Wednesday, when you went home, your wife calling your attention to certain articles in the newspapers concerning you? A. On Wednesday?

Q. Yes? A. Yesterday — no; she did not; she only said, "Look here; here is my picture;" her picture was taken; that is all the conversation we had.

Q. You saw in some of the newspapers there were articles indicating that you were going to make a confession here, did you? A. Yes, sir; I seen them.

Q. Did your wife speak to you about those articles? A. She did.

Q. And you had some conversation with her about the supposed confession that you were going to make? A. Yes, sir.

Q. And she advised you not to confess? A. She did not advise me; no.

Q. She did not advise you anything? A. No, sir.

Q. And you did not ask her advice? A. No, sir.

Q. How many times did you undergo examination in the civil service board for promotion to a captaincy? A. Twice.

Q. When did you undergo the first? A. In 1890.

Q. In 1892? A. Eighteen hundred and ninety.

Q. What precinct were you sergeant in at that time? A. In the Twenty-fourth precinct at that time.

Q. Where is that? A. The steamer patrol; on the harbor police.

Q. And how long were you on the harbor police? A. A little over four years.

Q. What precinct were you assigned to first after being made captain? A. To the Thirteenth precinct at that time; now the Twelfth.

Q. That is where? A. Delancey and Attorney streets.

Q. How long did you remain there? A. I remained there about six months.

Q. And to what precinct were you sent after that? A. To the Broadway squad.

Q. And how long did you remain on the Broadway squad? A. About the same time; I think about six or seven months.

Q. To what precinct were you attached after that? A. To the Twenty-fourth precinct; the harbor police.

Q. The harbor police? A. Yes, sir.

Q. In command of the harbor police? A. Sir?

Q. I am asking you after you were made captain? A. Oh, after I was made captain?

Q. Yes? A. I was sent to the Seventh precinct.

Q. That is Madison street? A. Yes, sir.

Q. How long were you in command of the Seventh precinct? A. About three months.

Q. Can you tell us how many houses of ill-fame were in operation in the Seventh precinct when you went there? A. There wasn't any, sir.

Q. How many were in operation when you went there? A. None.

Q. Did any move into the precinct while you were there?

A. No, sir.

Q. Did you know of any people who moved in there, to your own knowledge? A. No, sir.

Q. And from the Seventh precinct, where did you go? A. To the Twenty-fifth, East Sixty-seventh street.

Q. That is the precinct in which you are now? A. Yes, sir.

Q. Well, we have it in the testimony here that the Bohemian liquor dealers of that precinct were assessed certain sums a month by your wardman; that the Association of Bohemian Liquor Dealers paid that assessment in gross to your wardman; did you ever hear of that before the testimony? A. Never.

Q. The testimony brought out before this committee? A. No, sir.

Q. Who was your wardman? A. When I came there was a man named Long; Long was there.

Q. How long did Long remain? A. He remained there about a year.

Q. Who became wardman in his place? A. Weller and Grate.

Q. You selected them yourself? A. Yes, sir.

Q. You designated them for the special duty? A. Yes, sir.

Q. What became of Long? A. He was transferred; he was transferred to the Twenty-eighth precinct, I believe.

Q. Could such practices exist in your precinct as have been sworn to here by a number of witnesses, and entries in the book made showing those transactions, without your knowledge as a captain? A. What transactions?

Q. The blackmailing of the liquor dealers? A. I never heard that there was any.

Q. My question was, can such transactions as the blackmailing of the liquor dealers take place in your precinct, and in your name, without your knowledge as captain? A. It could.

Q. Did you ever hear of it, in the department, that the liquor dealers were paying blackmail to the police? A. There was a rumor to that effect.

Q. A rumor to that effect; did you hear it more than once? A. Yes, sir.

Q. Did you take any steps or measures to investigate the truth of the rumor? A. I did.

Q. What did you do? A. I went and saw several liquor dealers and asked them whether they paid any money to any police officers; they told me no.

Q. Well, name me one liquor dealer that you went to and asked if they paid any money to police officers? A. Yes, sir; there is one.

Q. Name me one? A. A Mr. Rooney at the corner of Seventieth street and Second avenue.

Q. Did you go to any of the Bohemians and ask them if they were paying any money to the police? A. I did; I did.

Q. What were you told by them? A. They told me no.

Q. How did this rumor originate that caused you to investigate? A. I heard that; there is some stranger told me that he heard there was a liquor dealer had paid \$500 to some policeman.

Q. And you knew, of course, that the Excise Law was not enforced in your precinct? A. The Excise Law is enforced in my precinct.

Q. You mean to say the Excise Law is not violated in your precinct; will you take the responsibility of swearing to that? A. No, sir.

Q. As a matter of fact that on Sunday the Excise Law has been violated since you have been captain of that precinct? A. I don't know.

Q. Did you ever take pains to stop it? A. Yes, sir.

Q. What did you do? A. I detailed officers in citizen's clothes to arrest all persons violating the Excise Law; I have always instructed them every Sunday, the officers under my command, to enforce the Excise Law and report to me where the Excise Law was violated.

Q. When did your father die? A. My father died two years ago.

Q. What business was he in? A. He was a dealer in horses.

Q. A dealer in horses; did he leave a will? A. No, sir.

Q. Did he leave any estate? A. He did not.

Q. Was there a lawyer employed in settling up that estate? A. No, sir.

Q. Did you receive any money from your father's estate? A. No, sir; not a cent; he died poor.

Q. Or your mother's estate? A. No, sir.

Q. Not a dollar? A. No, sir; I supported them.

Q. Will you swear that a sum of money did not go through a lawyer's hands in this city to you from your father's or mother's estate? A. I do.

Q. Absolutely? A. Yes, sir.

Q. Or to any member of your family? A. Yes, sir.

Q. Who appointed you, captain? A. Commissioner McClave.

Q. When you passed the civil service, the first examination, what ratio did you have? A. Sir?

Q. What percentage? A. 96.22, I believe.

Q. What percentage did you have the second time? A. 95.35.

Q. How long was it from the first examination to the second?
A. One year.

Q. You received your shield before your appointment was made out, did you not? A. When I was appointed captain I received my shield; yes, sir.

Q. Didn't you receive it before? A. No, sir.

Q. Didn't you go back to headquarters with your shield? A. I went to headquarters with the sergeant's shield and got the captain's shield.

Q. Wasn't there a mistake about your appointment as captain? A. No, sir.

Q. Didn't you take your shield, and were you not afterward sent for to headquarters to wait for a few days? A. No, sir.

Q. Was there any mistake or trouble about your appointment as captain? A. None whatever.

Q. How many were in the class when you were appointed?
A. The civil service class?

Q. Yes? A. Oh, probably 40 or 50.

Q. Any percentage higher than you? A. I think there was one or two.

Q. Give me the names, please? A. I can not tell you the names, sir.

Q. Who was it suggested to you to obtain the names of prominent citizens to recommend you to a captaincy? A. No one did.

Q. No one? A. No, sir.

Q. Did you do that of your own motion? A. I did.

Q. Had you not a conversation with Charley Grant about it?
A. No, sir.

Q. Did Charley Grant tell you that it would be necessary to get the names of prominent citizens? A. No, sir; I never spoke to Charley Grant; I never spoke to him.

Q. You never spoke to Charley Grant, and you were made captain by McClave? A. No, sir.

Q. You mean to swear that? A. I do.

Q. Did you see Charley Grant? A. Did I see him.

Q. Yes? A. I used to see him when I came over to headquarters on pay day.

Q. I mean in connection with that appointment as captain? A. No, sir.

Q. Nothing at all to do with him? A. No, sir.

Q. You had made your application for appointment as captain before you went to see Mr. Seligman, for instance? A. I saw Mr. Seligman afterward.

Q. That is what I say, afterward? A. Yes, sir.

Q. Did you not tell Mr. Ganz that you were sure of your appointment as captain but you wanted some well-known citizens to indorse your papers? A. Yes; I told him I wanted some well-known citizens so I would be appointed a captain; I wanted some letters of recommendation.

Q. That was after you had been assured that you would be made a captain? A. I hadn't the assurance then.

Q. Did you get any recommendations when you passed your first civil service? A. No, sir.

Q. If it were necessary for you to have recommendations, why did you not get them when you passed your first examination, as well as when you passed your second? A. When I passed the first examination there was not any vacancy at that time.

Q. But you expected the first vacancy? A. Oh, yes.

Q. Did you not? A. Yes.

Q. You would not otherwise have gone to pass the civil service? A. No, sir.

Q. When you passed the civil service the first time, why did you not get the recommendations you got the second time? A. I did not see anybody.

Q. I know you did not; and that is why I ask why you did not? A. I did not see anybody in connection with my promotion until such time as there would be a vacancy in a department.

Q. There were vacancies between the time you passed your first civil service examination and your second civil service examination, were there not? A. I don't remember.

Q. There were? A. There might have been; I don't remember; I don't think there was.

Q. If you depended upon the first civil service examination, why did you go through the second civil service examination?
A. Because the name on the list is only good for one year.

Q. But during that year you were an applicant for the position of captain, were you not? A. Yes, sir.

Q. And during that year you made no application to any citizens for a letter of recommendation, did you; did you? A. I don't think I did.

Q. Now, what I want to find out is why was it that on your second application, that you went and got letters from these well-known citizens, when you did not consider it necessary on your first application? A. On my first application, I told you there wasn't any vacancies, and I didn't think there was any vacancies during that year.

Q. Then if there wasn't any vacancies why did you apply? A. Well, I wanted to pass the civil service.

Q. Why did you want to pass the civil service; as a matter of fun and enjoyment, was it? A. Well, it wasn't any fun or enjoyment; I wanted to pass in case there was any vacancies occurred, so I would have a chance to get appointed.

Q. What year did you pass your civil service examination for captain? A. I think it was in 1890.

Q. And you were promoted when? A. In 1891 — or it was in 1888 or 1889; I don't remember.

Q. Give me those dates again; the time of the first examination that you passed; you passed the first civil service examination when? A. It was in 1889 or 1890.

Q. Eighteen hundred and eighty-nine or 1890? A. Yes, sir.

Q. Why, there were three or four captains appointed in the meantime, between the time you passed your first civil service examination until you passed your second? A. I don't remember whether there was or not.

Q. I know there were; the record shows there were; the record shows there were, captain; what I want you to explain, if you can, is why you considered it necessary to obtain the letters of recommendation from well-known citizens at the time that you made your second application, when you did not consider it necessary when you made your first application; why? A. Well, when I made my first application there wasn't any vacancies.

Q. You have told us that three or four times, and I tell you there were three or four captains made, according to the record;

that is no reason? A. Well, I don't remember; I can not tell you.

Q. You don't remember; that is a stock answer, you are to fall back on during this examination—you don't remember? A. You don't want me to—

Q. That is a stock answer; is it not? A. That is the only answer I can give if I don't know.

Q. That is your stock answer to give when you find yourself in a corner, that you don't know? A. No, sir; I don't know.

Q. I ask you for a reason and you don't remember the reason that prompted you; suppose, I give you the reason; do you remember that Charley Grant said to you that McClave would not appoint you unless you had the recommendation of those well-known citizens; men of your own race; do you remember that? A. Charley Grant never spoke to me.

Q. Were you not told by some other person than Charley Grant? A. No, sir.

Q. Why did you go to those gentlemen; you knew plenty besides Mr. Ganz and Mr. Seligman, and men of that class? A. Well, I had recommendations from other people; I had recommendations from Mr. Patterson.

Q. From Judge Patterson? A. Yes, sir; and Senator Parsons, of Rochester.

Q. Wait a while; you had the recommendation from Judge Patterson; Judge Patterson had a friend in connection with your application, had he not, that you were acquainted with or told about? A. No, sir; he gave me that letter, personally.

Q. Who else beside Judge Patterson? A. I got introduced to Senator Parsons, of Rochester, and he gave me a letter of recommendation.

Q. Do you know him? A. I was introduced to him.

Q. Would you know him now, if you saw him? A. I would; yes, sir.

Q. You were introduced to him the time you got the letter of recommendation? A. Yes, sir.

Q. Wasn't that it? A. Yes, sir.

Q. Who introduced you? A. Mr. Ganz.

Q. You were introduced for the purpose of getting a letter of recommendation? A. No; not at that time; I was introduced before I asked him for that letter of recommendation.

Q. From whom else did you get a letter of recommendation? A. I think that is all; oh, I had a letter from ex-Judge Isaacs.

Q. Ex-Judge who? A. Ex-Judge Isaacs.

Q. And who else? A. That is all.

Q. You have been talking to a number of persons about your examination here, have you not? A. I have not; no, sir.

Q. Not at all? A. No.

Q. Not to any one? A. No.

Q. Have you ever acted under rule 41 of the department on your own motion? A. Yes, sir.

Q. What is rule 41? A. You have got me there.

Q. You don't know; you said you acted under it; I thought you knew? A. It is relative to reporting —

Q. I am asking you the fact; I do not want any explanation; you said you acted under rule 41; I ask you what it is? A. To report on houses of prostitution and assignation.

Q. What? A. To make all reports of houses of prostitution.

Q. Are you asking me? A. I say, I believe that is rule 41; I don't know.

Q. By the way, speaking of making reports regarding houses of prostitution, you have made such reports? A. I have.

Q. Have you; did you report any reputed houses of prostitution in your precinct? A. No, sir.

Q. Are any houses of prostitution there? A. No, sir.

Q. Your precinct is clear? A. Yes, sir.

Q. Did you ever inquire about what was known as the Gyp business, in your precinct? A. The Gyp business?

Q. Yes? A. No, sir; there isn't any.

Q. Do you know what I mean, when you say, there isn't any; you must know what I mean? A. You mean gambling?

Q. Gambling? A. Yes.

Q. When you say, there isn't any, you ought to know? A. That is what I mean.

Q. I do not say gambling; I say Gyp; you say there isn't any Gyp business in your precinct; and I ask you what it is? A. I don't know what Gyp business means.

Q. Did you ever hear it in connection with the police department of this city? A. No, sir.

Q. This is the first time you ever heard of the Gyp business? A. Yes, sir.

Q. It is? A. Yes, sir.

Q. Oh, you are equally as innocent of the Gyp business in your precinct as you are of the existence of houses of prostitution in your precinct, are you? A. Yes, sir.

Q. Now, I will enlighten you a little bit; the Gyp business is known as the mock auction fraudulent horse business, the horse swindling business; you know what I mean now? A. Yes, sir.

Q. You know that business has been carried on? A. Not in my precinct.

Q. Around Sixty-third and Sixty-fifth streets? A. No, sir.

Q. Did you ever hear of it? A. No, sir.

Q. Now, Captain Strauss, are those not the markets in New York for selling the old horses and committing the frauds upon the farmers right in your precinct between Second and Third avenues? A. There is a horse market there; yes, sir; they bring a lot of worthless old horses there.

Q. That is it; have any persons ever gone to your people and claimed they were robbed? A. No, sir.

Q. Have you ever heard of people who were swindled in the horse business there? A. No, sir.

Q. That is the first you have ever heard of any swindling being perpetrated? A. I never heard of any; no complaints were ever made in my station-house.

Q. Jones' Woods is in your precinct, isn't it? A. Yes, sir.

Q. Do you know anything about the violation of the Excise Law there on Sundays? A. There was never any violation there on Sunday; there was no picnic there on Sunday.

Q. In Washington park? A. No, sir.

Q. That is part of Jones' Woods? A. Yes, sir.

Q. You mean to say they had no Sunday evening picnics there? A. No, sir; not while I was there.

Q. You spoke a while ago about the houses of prostitution; did you ever have a complaint of a disorderly-house in your precinct from any citizen? A. I did.

Q. What did you do about it? A. I arrested them; and got the evidence and arrested them.

Q. In relation to the disorderly-house? A. Yes, sir.

Q. Had you only one complaint? A. Only one complaint; I beg your pardon there; I wish to state that I had several complaints from flats, persons living in flats and used their flats for immoral purposes.

Q. Yes? A. And in every case, in every instance, I made the arrest; I got the evidence and made the arrest.

Q. Did you ever make a promissory note? A. Never.

Q. In your life? A. Never.

Q. Did you ever indorse a promissory note? A. No, sir.

Q. You saw Wallerstein in court; did you ever make a promissory note to him? A. No, sir; never.

Q. Did you ever make any arrangement with him in regard to notes? A. No, sir.

Q. Do you know a saloon keeper named Woefleman, corner of Houston street and the Bowery? A. No, sir.

Q. Did you ever give him any notes? A. No, sir.

Q. Did you ever indorse any notes? A. No.

Q. Do you know of any person making notes in your name or in your interest? A. No, sir.

Q. You positively swear that there is not a paper in existence with your genuine signature on as a promissory note? A. No paper that I know of.

Q. No; I do not want you to answer that way, sir; you positively swear now that there is not in existence a promissory note bearing your signature? A. No, sir.

Q. And have you never made one? A. No, sir.

Q. Or authorized anybody to make one for you? A. No, sir.

Q. You are clear about that? A. Yes, sir.

Q. Captain Strauss, how did you get your appointment anyway? A. I got my appointment by asking for it and through those letters of recommendation.

Q. From McClave? A. Yes, sir.

Q. On the strength of your intelligence and intellectual accomplishments and qualifications as a policeman? A. Yes, sir.

Q. And for nothing else? A. On my record.

Q. Of course; that goes as your qualifications as a policeman? A. Nothing else.

Q. And upon nothing else? A. No, sir.

Q. And you got that appointment without its costing you a dollar? A. Yes, sir.

Q. Absolutely? A. Absolutely.

Q. Absolutely; were you ever honorably mentioned by the board of police? A. No, sir.

Q. There have never been any conspicuous services on your part, have there? A. Well, I made a good many good arrests of burglars and robbers.

Q. Was there any conspicuous service? A. No, sir.

Q. There were other officers there that went higher than you on the list, and yet you were made captain? A. I believe so.

Q. And whose records were just as good as yours on the police force; is that not so? A. I don't know.

Q. You don't know? A. No.

Q. How many years had you been on the police force when you were made captain? A. About 19 years.

Q. Did you ever make Wallerstein a promise to appoint him wardman if you were made captain? A. I did.

Q. That was before you were made captain? A. Yes, sir.

Q. How did you come to make Wallerstein a promise that you would make him a wardman, before you were made captain yourself? A. We were talking about it, and I told him if ever I be made a captain I will make you a wardman.

Q. What precinct was he in at that time? A. I believe he was in the steamboat squad.

Q. Now, be sure; were you and he in the same precinct? A. No, sir.

Q. When you promised to make him your wardman? A. No, sir.

Q. What precinct were you in when you promised to make him a wardman? A. I was in the harbor police.

Q. In the harbor police; how was it that you went out of your way, while in the harbor police, to tell an officer in the steamboat squad that you would make him a wardman? A. Well, he is a friend and relative of mine.

Q. Friend and relative? A. Yes, sir.

Q. Did you make him your wardman? A. I did.

Q. For how long? A. About two months.

Q. What was the trouble that you did not keep him longer? A. All the wardmen were reduced to the ranks at that time.

Q. That is, of late? A. At that time.

Q. At that time? A. Yes, sir.

Q. Well, I understood you to say that Long was your wardman when you went there? A. Wallerstein was with me while I was in the Seventh precinct.

Q. Then you made him your wardman in the Seventh precinct? A. Yes, sir.

Q. What particular character was there about this business of wardman that you should go outside of the precinct in which you might be assigned and select another to make him a wardman? A. Because I knew him to be a good policeman.

Q. What? A. I knew him to be a good officer.

Q. Each captain is supposed to select his own man for wardman? A. Yes.

Q. The man that would answer him best for doing the collecting business, isn't that it? A. I hadn't any collecting business to do there.

Q. Just look at me, captain; you had no collecting business? A. No, sir.

Q. It has been sworn here by a mountain of evidence, proven by a mountain of evidence here, that the duties of the wardman were to do the collecting business for the captain? A. No wardman ever collected one cent for me.

Q. Do you mean to say that, in the face of the mountain of evidence that is before this committee, that you don't know that the duties of a wardman were to do the collecting from the disorderly-houses and the liquor stores? A. No, sir.

Q. For the captain in each precinct? A. No, sir; not for me, sir.

Q. Are you the glorious and brilliant exception? A. May be I am; I—my wardmen have got nothing to do except police duty; nothing else; I don't ask them to do anything like that.

Q. What I want to find out is why you should select Wallerstein, outside of his being a relation of yours; any other reason? A. Because he is a good, reliable officer.

Q. Why didn't you wait to get into the precinct where you would be assigned, and select an officer from there that was used to the precinct, and knew it? A. I did not make him wardman until about a month after I was made captain.

Q. But you promised him before you were made captain? A. I told him before I was made captain if I could do it I would make him wardman.

Q. You had the appointment? A. I had the application, not the appointment; I have to make the application to the police board and they make the appointment.

Q. The application of the police captain is generally complied with? A. Sometimes.

Q. Except where the local politicians will insist on keeping the wardman there in spite of the captain? A. That might be.

Q. You have heard of that? A. I have heard it.

Q. Had you any personal knowledge of it yourself? A. No, sir.

Q. Did you know Gus Newman? A. I do; yes, sir.

Q. Do you know his business? A. Yes, sir.

Q. Ever been speaking to him? A. I have known him for 25 years.

Q. Do you know Louis Morrell? A. Morrell; yes, sir; he has been introduced to me.

Q. He used to be in Rivington street? A. I don't know where he was.

Q. Did you know Louis Morrell very well? A. No, sir.

Q. Did you know Newman very well? A. I did know him for 25 years.

Q. Well, you talked with him about your appointment; did you not? A. No, sir.

Q. At the time you made your application as captain? A. No, sir.

Q. You knew Newman's business, didn't you? A. His business?

Q. Yes? A. I don't know anything about his business.

Q. You knew his business? A. Oh, yes.

Q. What was his business? A. Real estate.

Q. His business has been sworn to here by witnesses as being specially engaged in renting houses of prostitution in that precinct; did you know that? A. I don't know anything about that, sir.

Q. You don't know anything about that, and you know him for 25 years? A. Yes, sir.

Q. Hadn't Newman something to do with your appointment as captain; Newman had something to do with your appointment as captain? A. Nothing at all.

Q. What? A. Nothing.

Q. How many lawyers have you about this court-room, captain; how many lawyers? A. I haven't any.

Q. Any lawyers interested in your examination? A. No, sir.

Q. You appreciate the penalties of perjury, I suppose? A. Yes, sir.

Q. Do you know what perjury is? A. Yes, sir.

Q. Is your wardman in court? A. My wardman?

Q. Yes, sir? A. I have not got any wardman.

Q. Not now; the man that was your wardman? A. I don't know.

Q. Wallerstein is in court, or was in court to-day? A. I believe he was here this morning.

Q. You saw him stand up, and identified him? A. Yes, sir.

Q. Have you been talking to Wallerstein lately? A. I have spoke to him; yes, sir.

Q. Talked to him about this examination? A. No, sir.

Q. Went to see him about it before you went on the stand? A. No, sir.

Q. You mean to say you have not seen him? A. I have not.

Q. When you said that as long as Williams and Byrnes would not go back upon you you did not fear any examination upon the stand, what did you mean? A. I did not say that, sir.

Q. Will you swear you did not? A. I will.

Q. Absolutely? A. Absolutely.

Q. As true as everything else you testified to? A. Yes, sir.

Q. You said that as long as Williams would not go back upon you you did not care about this examination? A. I did not say that.

Q. What did you say in reference to that at all? A. I did not say anything at all; I did not mention his name.

Q. You know you purchased your appointment? A. I did not.

Q. You know that you paid money for your appointment? A. No, sir.

Q. And that Wolverman, at the corner of Bowery and Houston street, was the go-between, and the man that collected the money, you know that? A. No, sir.

Q. You mean to say that a man of your order of intelligence could get an appointment as police captain from John McClave without paying for it; you want to swear that? A. I never paid a cent for it.

Q. You mean to hold yourself up as a monument; the only police captain that ever got his appointment from McClave without paying for it, do you? A. I did not pay a cent.

Q. You mean to hold yourself up as a monument? A. Yes, sir.

Q. By reason of your high intelligence and order of intellectuality and your police record, you were able to get that appointment without paying for it? A. Yes, sir.

Q. You expect that to be believed? A. I suppose so.

Q. You suppose so? A. I believe it; that is what I say.

Q. You know in your heart you are swearing to a falsehood? A. No, sir.

Q. You know a man like you, you are neither possessed of the accomplishments or record that would warrant your being captain on your own merits; you feel that yourself; do you not? (No answer.)

Q. Can't you answer me, captain? A. What is that you say?

Q. I say you feel, and you know yourself that a man of your intellectual accomplishments could not get a position as captain of the New York police force, unless you paid for it? A. No, sir.

Q. You do not know? A. I understand my police business thoroughly.

Q. You do? A. I have been a long time on the police.

Q. Tell us in what case you are justified in making arrests, captain? A. In what case?

Q. Yes. A. If I see the law violated, or any assault committed, or any misdemeanor or felony committed, I have a right to arrest.

Q. If you see it? A. Yes, sir.

Q. If you see it; what do you say, again? A. If there is any violation committed of the law, either of felony or misdemeanor, I have a right to arrest.

Q. Either of felony or misdemeanor? A. Yes, sir.

Q. You mean to say if you see it; then you are not authorized to make an arrest unless you see a felony or misdemeanor committed? A. Oh, yes; certainly, I am.

Q. Under what circumstances? A. Under all circumstances where there is proof that the law has been violated.

Q. What proof? A. Well, if there is a witness, or any one makes a complaint.

Q. Well, makes a complaint; suppose that a person made a complaint that a man had committed a nuisance in the street to you? A. Yes.

Q. I mean, of course, to you, captain? A. Yes.

Q. I suppose then that you would proceed and make the arrest? A. Providing the person that makes the complaint is a responsible party.

Q. A reputable citizen? A. A responsible party.

Q. Well, I assume now, that a reputable citizen, going to your station-house and making a complaint that he had seen John Jones, for instance, committing a nuisance in the street it would be your duty to arrest John Jones; would it not? A. Yes, sir; if this party was responsible for making a complaint.

Q. What is it? A. If the party was responsible that made the complaint.

Q. I am assuming that? A. Yes; certainly I was justified in making the arrest.

Q. What is that; a felony or misdemeanor? A. That is a misdemeanor.

Q. Are you justified in making an arrest for a misdemeanor on complaint without proof? A. On complaint; the party must have seen the nuisance committed.

Q. I am assuming he tells you he saw it? A. Yes, sir.

Q. And you go out and arrest the person, whether it be the day after, or that day; that is your conception? A. If this party who comes to me saw the party on the street.

Q. Do you say, if this party came to the station-house and made a complaint? A. I would advise him to go to the court and get a warrant.

Q. You said a while ago that you would go out and arrest him? A. No; I said I—

Q. You said a while ago you would go out and arrest him; which would you do; which? A. It would all depend on what the violation consists of.

Q. I am talking of this violation of nuisance in the street? A. If the party was there I would go and arrest him; yes, sir; because he had committed a misdemeanor; because it was a violation of the law.

Q. Because he had committed a misdemeanor? A. Yes.

Q. And you feel it is your duty, as a police officer, to arrest a man who has committed a misdemeanor, even though you have not witnessed that violation of law? A. No, sir; but if the witness is there that makes the complaint because it occurred.

Q. I assume all that? A. Then I have a right to arrest, certainly.

Q. Have you ever paid Wallerstein any money for any purpose? A. No, sir.

Q. Never gave him any money? A. No, sir.

Q. Did you ever give money to any person to give to him? A. No, sir.

Q. Did you ever send money to him? A. No, sir.

Q. Well, captain, speaking of your police duties, how do you arrange the bail in your station-house? A. Bail?

Q. Yes? A. If a person is arrested for a misdemeanor, and a responsible party gets there he can go bail.

Q. For what? A. For any violation of law, or misdemeanor.

Q. For any violation of law? A. Yes, sir; except a felony.

Q. Well, I would like to find out, captain, because it is a subject in which the citizens have a very great interest? A. Yes, sir.

Q. Tell us, if you can, the difference between a felony and a misdemeanor, so citizens may know what they may be bailed for? A. Any case where a person is liable to be sent to State prison you can not give any bonds.

By Chairman Lexow:

Q. You can not take any bonds? A. You can not take any bonds.

By Mr. Goff:

Q. Any case where a person is likely to go to State prison? A. Yes, sir; in a felony case.

Q. Well, for instance, a man is charged with criminal conspiracy, would you take bail in that case? A. No, sir.

Q. Why? A. Because it is a felony.

Q. Suppose a man was charged with receiving stolen goods, would you take bail in that case? A. No, sir.

Q. Why? A. It is a felony.

Q. Suppose a man was charged with an attempt at receiving stolen goods? A. I would not bail him.

Q. Why? A. I would not take the responsibility.

Q. Why; because it is a felony? A. Yes, sir.

Q. That is a felony? A. Yes, sir.

Q. Suppose a man is charged with committing a simple assault? A. I will take bail in that case.

Q. Why? A. A simple assault is a misdemeanor.

Q. Well, now, what is the punishment for a simple assault, and the punishment for a criminal conspiracy? A. For a simple assault a person is liable to be sent to the penitentiary.

Q. For a conspiracy where is he liable to go? A. To State prison.

Q. For how long? A. I don't know.

Q. Did you ever know of anyone that was convicted of criminal conspiracy that was sent to State prison? A. No, sir; I never had a case of that kind.

Q. Would it surprise you if I told you criminal conspiracy was not a felony? A. Well, if you say so, of course —

Q. I say so; the law says so; conspiracy is simply a misdemeanor? A. But you said a criminal conspiracy.

Q. Any conspiracy must be criminal, otherwise it is not a conspiracy? (No answer.)

Q. Do you remember the order of the superintendent forbidding captains to send reports to headquarters of reputed houses of assignation and prostitution, etc.? A. Yes, sir.

Q. Had you been sending such reports? A. I had.

Q. Of reputed houses? A. I sent such a report that I had no reputed houses of prostitution in my precinct.

Q. Or any houses of prostitution? A. Yes, sir.

Q. When you were down in the Seventh, did you send such reports? A. I sent reports; we have to make reports every few months of the existence of any houses or not; if there isn't any of course we can not make any reports.

Q. Then what did you do; say there are no houses? A. There are no houses of prostitution.

Q. When you were in the Seventh, what did you report? A. The same thing; that there are no houses of prostitution.

Q. Were there any while you were there? A. No, sir.

Q. Did you report that there was no reputed houses then? A. I did.

Q. Or houses whether actually proven so or not? A. No, sir; there wasn't any there.

Q. What relation is Wallerstein to you; tell me his relation? A. He is a cousin.

Q. In what degree? A. On my mother's side.

Q. In what degree; first, second, third or fourth? A. A second or third cousin; I don't know which.

Q. Was it on account of his relationship that you promised to make him wardman? A. Well, partly.

Q. Partly on account of his relationship; the promise had nothing to do with the fact that he promised to advance you money to enable you to get the captaincy? A. No, sir.

Q. Had he any money, do you know? A. Yes.

Q. How did you know? A. He told me he did.

Q. How did he come to tell you? A. I know he got some money from Europe.

Q. How much? A. Which was left to him by his parents.

Q. How much did he get? A. A couple of thousand dollars, I believe.

Q. When did he tell you that? A. At the time he got it.

Q. When was that; the time you promised to make him wardman? A. Four or five years ago.

Q. Was it not at the time you promised to make him wardman? A. No, sir; not at that time.

Q. You knew he had it at the time you made him wardman? A. Yes, sir.

Q. How much did you borrow? A. I borrowed \$2,000 of him.

Q. What for? A. Well, when I expected to be made captain I did not have a dollar, and I told Wallerstein that if he loaned me some money, and he said, "How much do you want?" I said, "Lend me \$1,000 or \$1,500;" and I met him one day and said, "Will you get that money for me?" and he said, "Yes;" and he gave it to me.

Q. What did you want the money for? A. Well, I wanted to buy furniture and different articles that I needed.

Q. Well, but was it because you was going to be captain that you wanted to buy furniture? A. Yes, sir.

Q. You wanted to live in style and support the dignity of the office? A. Well, the furniture I had for about 25 years and I was going to refurnish my house.

Q. What house? A. Where I lived.

Q. Where did you live? A. In Orchard street.

Q. Did you rent a house there? A. I did have a house there I leased there.

Q. Why did you want to furnish it before you were made captain? A. I says if I was going to be made captain, I wanted to get some furniture.

Q. How long had you that house on lease? A. About 10 years.

Q. What? A. About 10 years.

Q. Well, but the furniture that you had in that house for 10 years suited all the requirements of your modest way of living, didn't it? A. At that time; but my furniture—

Q. You had been receiving \$2,000 a year? A. Yes, sir.

Q. And having a good wife and good mother to your children, and living economically, you were able to get along pretty well on \$2,000 a year, were you not? A. Yes, sir; but I had a great many expenses; I buried five children during that time.

Q. That, of course, was your misfortune; I am sorry for you; but even at that, your salary of \$2,000 a year, you were able to support and meet these extraordinary demands made

upon you by reason of the sickness and death of your children, was you not? A. Yes; pretty near.

Q. You were not in debt? A. Not very much.

Q. You did not owe anybody? A. Not much.

Q. You owed nobody any money that you were not able to pay out of your salary? A. I had a few small debts.

Q. A few small things that you could pay according as the time came; is that not so? A. Yes, sir.

Q. What I want to get at is this; how is it that you wanted to buy furniture before you would be certain you would be made a captain? A. I did not want to buy that before I was made captain; I said, after I was made captain, I wanted to go and buy furniture.

Q. You did not intend to remain in that house if you were made a captain, did you? A. No, sir.

Q. Why did you want to buy furniture for a house you did not know you were going to live in? A. I had to stay in that house because I had a lease.

Q. If you had to stay in that house, why did you want to furnish it? A. Because my furniture was all worn out and broke up.

Q. Why didn't you try to refurnish it before, if your furniture was all worn out? A. I don't know.

Q. What? A. I don't know.

Q. You don't know? A. No.

Q. Well, how much did Wallerstein loan you? A. He loaned me \$2,000.

Q. Is that all? A. Yes, sir.

Q. In what shape did he loan it to you? A. In cash.

Q. Had he the money in the bank? A. I believe he did.

Q. What bank? A. I don't know.

Q. Well, you told him to give it to you in cash? A. Yes.

Q. Why? A. I don't know why I told him to give it to me; I didn't tell him cash or otherwise.

Q. Did he bring it to you? A. Yes.

Q. Where were you when he gave it to you? A. I don't remember that; I don't remember where I was.

Q. On the street? A. I believe it was in my house; I think he came in my house.

Q. You were sergeant at that time? A. Yes, sir.

Q. How long was this before you were made captain? A. Before I got that money?

Q. How long before you were made captain was it that you got that money? A. A few days before.

Q. You were made captain, December 30, 1891? A. That is right.

By Chairman Lexow:

Q. Can you fix it any more closely than a few days before; was it a week before; two weeks before, or only just a couple of days? A. Couple of days before.

Q. Had you any positive assurance at that time that you would be made captain? A. No, sir.

Q. How long after you got this \$2,000 did you spend it for furniture purposes? A. I didn't spend it at all.

Q. You did not buy any furniture? A. No, sir.

By Mr. Goff:

Q. Now, Captain Strauss, you were appointed on December 30, 1891; how many other captains were appointed on that day? A. One more.

Q. Who was that captain? A. Captain Devery.

Q. Sergeant Wiegand, he was to be appointed captain that day? A. Not that I know of.

Q. What? A. I don't know.

Q. Did you not hear his name mentioned as one of the men to be appointed captain? A. No, sir.

Q. There were three captains appointed that day; you are mistaken about Devery being the only one? A. There was only two captains appointed the day I was appointed.

Q. Was it not well known that there were four captains for appointment then, Captain Strauss? A. There were only two captains appointed, counselor.

Q. That was the time when Wiegand's appointment was to be made and it was put off because Creeden put up \$3,000 more than Wiegand; that has been the testimony here, captain? A. I don't know anything about that.

Q. How long before December 30th did you get this \$2,000 from Wallerstein? A. A few days before.

Q. Did you spend it before you got your appointment? A. No, sir.

Q. You had the \$2,000 the time you received the appointment? A. Yes, sir.

Q. How soon after did you spend the \$2,000? A. I don't think he gave me that \$2,000 until the 4th or 5th of January.

Q. You said a while ago he brought it before; a few days before you were made captain? A. No, sir; he did not.

Q. Were you mistaken when you said that? A. I was.

Q. Be careful, and do not commit any more mistakes; you have been committing a lot of them; how soon after were you sworn in; on December 30th; that was the day you got your shield? A. Yes.

Q. When did you find out that you were going to be made a captain? A. That morning I was sent for.

Q. Who sent for you? A. Commissioner McClave.

Q. Telegraphed for you? A. Yes, sir.

Q. And, of course, Commissioner McClave asked you if you had paid anything for your appointment? A. Commissioner McClave did not ask me anything.

Q. Did not ask you anything? A. No, sir.

Q. Did not put a question to you? A. No.

Q. Had you ever visited Commissioner McClave before in reference to your captaincy? A. I have.

Q. How many times? A. Probably half a dozen times.

Q. Did Commissioner McClave ask you if you had paid anything for your appointment? A. He didn't ask me that question at all.

Q. Anything like it, anything in relation to paying money for your appointment? A. No, sir.

Q. Did anyone ask you? A. No, sir.

Q. And you did not state to any one that you had not paid any money; did you? A. I did not.

Q. You are very clear about that? A. Yes, sir.

Q. Why, Captain Strauss, you swore you did not pay anything for your appointment, did you not? A. Certainly I did.

Q. Then you said something? A. I didn't say anything.

Q. When you swore did you not say something? A. I swore here that I did not pay for the appointment.

Q. I say outside of this court, did you not, on one occasion, swear that you did not pay anything for your appointment? A. I don't understand.

By Senator Bradley:

Q. Do you not understand the question? A. No, sir.

Q. Did you not swear you did not pay any money or give any other consideration for the appointment? A. I did; yes, sir; on the day I was appointed.

By Mr. Goff:

Q. How did you swear? A. I swore it in the chief clerk's office.

Q. He gave the Bible into your hands and asked you the question, did he? A. No, sir; he did not.

Q. How did you swear it? A. The clerk swore to—

Q. The clerk did not swear? A. He swore me.

Q. He swore you? A. Yes.

By Chairman Lexow:

Q. Administered the oath to you? A. Administered the oath.

By Senator Bradley:

Q. How did you swear the counsel asked you, in what form; with the Bible, or did you hold up your hands and take the custom-house oath, or how did you swear? A. I didn't swear at all; I signed the book there.

By Mr. Goff:

Q. Why did you not swear? A. I had no reason to swear.

Q. If you had not paid anything for your appointment could you not have sworn that you did not pay anything for your appointment? A. Yes, sir.

Q. Then why did you not swear? A. I was not asked to swear.

Q. You were not asked to swear? A. No, sir.

Q. What I want to find out, captain, is why you did not swear; can you not tell me why you did not swear, if you did not pay anything for your appointment? A. I don't know.

Q. Do you mean to say that you have been made a captain of police without having been sworn? A. I was sworn in, certainly, as a captain of police.

Q. Do you mean to say you were not sworn and asked the question whether or not you had paid any money or any consideration for your appointment? A. I didn't say that.

Q. You state that you did not swear? A. Every officer that is appointed he has got to swear.

Q. I am not asking what other officers do; I am asking you what you have done — what have you done? A. I swore that I did not pay anything for the appointment or promised to pay in the chief clerk's office.

Q. A while ago you said you did not swear; which is correct? A. I didn't know which you meant, whether you meant here or—

Q. My questions were plain enough, Captain Strauss; now, about Wallerstein; you say at one time that he had given you the money some three or four days before you were made captain; then you said again he did not give you the money until some days after you were made captain? A. That is correct.

Q. Which? A. A few days after I was made captain.

Q. Why did you answer a few days before? A. I made a mistake.

Q. Another mistake? A. Yes.

Q. Did you give him any receipt for the money? A. I did not.

Q. Any writing passed between you? A. Nothing.

Q. Did your wife give any receipt? A. No, sir.

Q. Did anyone give a promissory note for you? A. No, sir.

Q. When did you agree to pay him the \$2,000? A. As soon as I had it.

Q. How soon did you get it? A. I gave it to him back in about four or five or six weeks, I believe; I didn't spend it.

Q. You did not spend the money? A. No, sir; I didn't spend the money, with the exception of a few dollars, with the exception of \$500; I gave him \$1,500 back about five or six weeks afterward.

Q. Why did you not spend the money to furnish your house? A. No, sir.

Q. Why? A. I did not because I intended to move from there.

Q. How is it that your mind changed so rapidly? A. I don't know; we agreed not to furnish our house at the time.

Q. Who agreed? A. Myself and my wife.

Q. Did you pay him back the money in cash? A. Yes, sir.

Q. As long as you intended not to furnish your house, why did you use any of the money? A. Well, I used a few hundred dollars, about \$200, and I gave him \$1,500 back, and I kept \$500; I wanted to have a few dollars in the house.

Q. You did not need a few dollars in the house when you had become a captain; your salary was raised? A. Yes.

Q. Why did you need a few dollars in the house at that time any more than any other time? A. I don't know.

By Chairman Lexow:

Q. How could you give \$1,500 back and keep \$500 and spend \$200 — what do you mean by that? A. I spent about \$250, or \$260, or something like that.

Q. That would make it \$2,250, instead of \$2,000? A. I kept \$500; out of that \$500 I spent about \$250, and I give him \$1,500 back.

By Mr. Goff:

Q. You say you did not see Charley Grant in connection with your appointment? A. Never.

Q. Was there not trouble between Charley Grant and Williams over your appointment? A. Not as I know of.

Q. Did you not hear that Charley Grant, when he heard that Williams had done the business between yourself and McClave, do you not know that Charley Grant said it had come to a damn pretty pass, when he was going to get left in the cold and not make a dollar out of the transaction? A. Not as I know of.

Q. You are positive this is the first time you ever heard of it? A. Yes; the first time.

Q. Did you not go to Williams in relation to your appointment and tell him that if he could get it for you cheaper than Grant you would let him get the appointment? A. No.

Q. Did you not speak to Williams? A. No.

Q. Why did you keep these \$2,000 in bills so long in your house? A. Why did I keep it?

Q. Don't you repeat my questions; answer them; why did you keep \$2,000 bills in your house all that time? A. I don't know.

Q. That is the only answer you can give to any direct question I give? A. I gave it to him back.

Q. Where did you keep the \$2,000 in bills? A. In my pocket.

Q. All the time? A. Yes, sir.

Q. Carry it about? A. Yes, sir.

Q. Pretty large roll, \$2,000, in \$1 and \$2 bills? A. No; I had large bills.

Q. What was the denomination? A. I don't remember.

Q. How large; you say there were large bills; how large? A. I believe there were some fifties, some hundreds and twenties.

Q. What bank did Wallerstein draw the money out of? A. I could not tell you.

Q. Did he tell you? A. No, sir; I didn't ask him.

Q. And you carried \$2,000, in your pocket, around all this time? A. Yes, sir.

Q. For the purpose of furnishing your house that you did not furnish? A. Yes, sir.

Q. Any other money did you carry around with you? A. No, sir.

Q. Is it not the fact that that \$2,000 you carried around you, expecting to have to raise the ante, as it was called, over the sum that had already been put up? A. No, sir.

Q. Why did you carry it? A. Well, I wanted to use it and I didn't use it.

Q. Don't you know you are lying when you said you got that \$2,000 to furnish your house; that you have made up that lie? A. No, sir.

Q. You have made up that excuse? A. No.

Q. Do you think any sensible, reasonable man believes that story? A. Certainly.

Q. Certainly? A. Yes, sir; it is not a story, it is the truth.

Q. Do you say you kept \$500? A. Yes, sir.

Q. Now, you were being made a captain, your salary was increased; why did you keep this man's \$500? A. Well, I used some of that \$500.

Q. What for? A. I bought different articles; I bought clothes for myself and family.

Q. You, a sergeant of police, living modestly and economically on a salary of \$2,000 a year, and your wife and children in need of clothes until you borrowed money from Wallerstein? A. Yes; they were.

Q. And unless you had been made a captain they never would have got clothes, is that it? A. I was poorer at that time; I would have got clothes after awhile.

Q. Now, you have got a family, Captain Strauss, and you want to be respected by your family, do you not? A. Yes, sir.

Q. You want to have the respect of your children, do you not? A. Yes, sir.

Q. And the respect of your wife, do you not? A. Yes.

Q. And the respect of all your relations, do you not? A. Yes.

Q. And the respect of your people? A. Yes, sir.

Q. And do you think you can have the respect of either your children or your people, when your children grow up, by the way you are testifying here to-day in relation to this matter—do you think they can have any respect? A. Yes, sir; I do.

Q. Don't you know that your children, when they grow up and read this testimony, will be convinced and feel that you are not telling the truth? A. I am telling the truth.

Q. Do you think your explanation of this \$2,000 is truthful? A. Yes, sir.

Q. You can give no better reason than you have for that \$2,000? A. No, sir.

Q. Do you know a man by the name of Noble? A. I do.

Q. Now, how much did Noble give toward your appointment? A. Not a cent.

Q. How much did Louis Morrell give toward your appointment? A. Not a cent.

Q. How do you know? A. Not as I know of.

Q. Why did you say not a cent? A. I don't see why they should pay any money for me.

Q. But the money was contributed for you? A. Not as I know of.

Q. You mean to say that it was not well known in the department at that time that no man could get a captaincy unless he paid for it? A. I don't know.

Q. Did you ever hear it? A. Never.

Q. Is this the first time you ever heard that? A. This is the first time until I heard the other day about Creeden.

Q. The first time you ever heard that a captaincy in the police department had to be bought until you heard Captain Creeden's testimony before this committee, is that so? A. Yes, sir.

Q. And for years in the city of New York the newspapers have hundreds of times printed that common rumor and report; and policemen have sworn here that it was a matter of common rumor and notoriety in the department that no man could get a captaincy without paying for it; and yet you swear here that you never heard it until the other day? A. Never.

Q. You think your family will respect you when they read that testimony? A. I do.

Q. You do? A. Yes, sir.

By Chairman Lexow:

Q. Do you wish to be understood as stating here that you have not heard, as matter of rumor, that captaincies have been made the subject of barter and sale? A. I have not heard until the other day.

Q. You read the papers, do you not? A. Yes, sir.

Q. Have you not seen in the papers the charges made that a captaincy costs all the way from \$10,000 to \$25,000, and that nobody could be appointed captain unless they paid that amount of money? A. Since this committee was in session?

Q. For three or four years passed? A. No.

Q. Do you read the daily prints? A. Yes, sir.

Q. You ought to be candid about these things; you know a statement of that sum was extraordinary? A. I don't know anything about it; I can't tell.

By Senator Bradley:

Q. Did you read the testimony in the McClave case? A. Some of it; yes.

Q. And did not see anything of it there? A. No.

By Mr. Goff:

Q. Now, Captain Strauss, I don't want to bring a number of men here on the witness-stand who will swear you are a perjurer without giving you a fair opportunity; I want to give you every opportunity to do yourself credit, if you can; have you told anyone that you had to pay for your appointment? A. Never.

Q. Did you ever complain of the heavy assessment that was made upon you? A. Never.

Q. To a living soul? A. No, sir.

Chairman Lexow.—I think it is right and proper here to inform the witness that if he does perjure himself he makes himself liable to fines and penalties as though he was testifying in any court; on the other hand if he testifies to a question of bribery, not only by the privilege of the Senate, but in order to correct any newspaper articles, such as I have seen this morning upon the subject, by the law itself—by the law of the State—you are absolutely protected from being prosecuted. It is not a question of this committee giving you immunity at all; the law gives you immunity under the Penal Code.

Q. Do you know Wertheimer? A. No, sir.

Q. Seen him? A. I have seen him.

Q. You know him? A. I don't know him.

Q. He is a member of several societies in this city, benevolent societies? A. I don't know anything about it.

Q. Do you belong to any benevolent societies? A. I do not.

Q. Have you a life insurance policy? A. Yes, sir.

Q. In what company? A. In no company; I am insured in the Masonic Aid.

Q. No line company? A. No, sir.

Q. Will you swear you never said to Edward Wertheimer that you had to pay for your captaincy and had a hard time to get the money to pay the people who raised the money for you?

A. No; I never had any such conversation with him.

Q. Or with any other person? A. No, sir.

Q. Did anyone ever ask you if you had to pay? A. No, sir.

Q. The suggestion was never made to you? A. Never.

Q. Have you been talking to Inspector Williams since this committee sent for you? A. No.

Q. Have you had any message? A. No, sir.

Q. Not one? A. No, sir.

Q. And not exchanged words with him? A. Never.

Q. Did you agree to swear it right through with him? A. I have not; I had no conversation.

Q. What I want to know is, captain, when you got the \$2,000 to furnish your house, did you go to any furniture-house to make inquiries touching the value or price of furniture? A. No, sir.

Q. How many days before your appointment did you get the \$2,000? A. I don't think I got it before my appointment; I think I got it two or three days or four days after.

Q. Don't you remember you had that money in your pocket Christmas day? A. I did not.

Q. You swear to that positively? A. Yes, sir.

Q. You had it before New Year's? A. I did not.

Q. You had it after? A. Yes, sir.

Q. Now, I want to know after you knew you were made a captain, and you knew you were going to furnish your house, what caused you to alter your mind in a few days? A. I intended to move; I went and seen the party I leased the house from, and he told me he would not let me move then, and for that reason I

didn't buy any furniture, and I thought I wouldn't buy any furniture until I did move at the coming spring.

Q. How much; what is the value? A. Probably \$150 or \$100 worth.

Q. Where? A. In the Bowery.

Q. Now, if you wanted \$2,000 in the winter to furnish your house with why was it that you satisfied yourself with \$100 or \$150 in the spring when you did move? A. Because we changed our minds.

Q. You changed your mind? A. Yes; I didn't see how I could pay it back, for that reason.

Q. How soon did you pay the \$500 back? A. About seven or eighth months after.

Q. Did you pay it all in one sum? A. Yes, sir.

Q. Did Wertheimer ever demand it from you before you paid it? A. Wertheimer?

Q. Wallerstein? A. Wallerstein — no, sir.

Q. Was he wardman when you paid it to him? A. No, sir.

Q. He had been wardman? A. Yes, sir.

Q. Was there any wardman when you paid it? A. Any wardman where?

Q. In the precinct? A. Yes.

Q. Who was wardman? A. I believe Weller was wardman there.

Q. Gave the money to Wallerstein in bills? A. Yes, sir.

Q. Take a receipt from him? A. No, sir.

Q. What was the denominations of the bills you gave? A. I couldn't tell you.

Q. Where did you get the bills? A. The \$500 I saved it from my salary.

Q. You saved it from your salary? A. Yes, sir; I only spent a little over \$200, and I naturally put — \$250 or \$260 I spent — and the rest I had in my pocket.

Q. Carried it around in your pocket all the time? A. Yes, sir.

Q. January, February, March and April? A. Yes, and May.

Q. Carried that money all around all the time in your pocket; made a savings bank of your pocket, did you? A. Yes, sir.

Q. Is this the money you picked up in the precinct? A. I did not pick up any money in the precinct.

Q. How do you cash your pay wallets? A. In the bank.

Q. What bank? A. In the Murray Hill Bank.

Q. Have you an account there? A. No, sir.

Q. How did you cash them there? A. I know the president.

Q. Each month you went and got the money? A. Yes, sir.

Q. What is your monthly salary? A. Two hundred and twenty dollars or \$225; something like that.

Q. Do you really know not what salary you get? A. Certainly, 30 days in the month, we get \$5 or \$10 less; \$221 I got last month and some odd cents.

Mr. Goff.—I propose, Mr. Chairman, to excuse this witness now, not to excuse him from attendance from this subpoena by any means, but simply to suspend his examination for the present.

Chairman Lexow.—For the day?

Mr. Goff.—For the day. But not to suspend his examination altogether.

Chairman Lexow.—You are excused for the present, and meanwhile you are cautioned not to speak to any one with reference to the testimony; do not talk to anybody upon the subject under examination.

By Senator Bradley:

Q. Who were the commissioners with Commissioner McClave when you were appointed? A. Commissioners Martin, McClave, MacLain and Voorhis.

Q. Who was mayor of the city of New York when you were appointed captain? A. Mayor Grant.

Chairman Lexow.—You are excused for the present.

Jacob Wallerstein, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. How long are you on the police force, officer? A. A little over 11 years.

Q. What precinct are you attached to now? A. I am attached to the central squad.

Q. Now, this committee would like that you explain, Officer Wallerstein, for what you loaned the money to Captain Strauss early in the month of December, 1891? A. Early—I don't know what you mean.

Q. Will you please answer my question? A. I didn't loan him any money in 1881.

Q. If I made an error, I apologize; I said 1891? A. Well, I couldn't say what he used it for.

Q. (Question repeated.) A. I don't know.

Q. You don't know? A. I don't know; no, sir.

Q. Did you loan him any money at all? A. Yes, sir.

Q. How much? A. I loaned him \$2,000.

Q. What for? A. I couldn't say.

Q. Why, he has sworn here before this committee that he told you for what purpose he wanted that money? A. Well, he told me he wanted it for private use.

Q. He told you he had said the specific private use he wanted it for? A. For private use.

Q. He named the use? A. No, sir; he did not; I don't remember that he named the use.

By Chairman Lexow:

Q. He has stated here the use; what have you to say about it; did he state it to you?

By Mr. Goff:

Q. Come, officer? A. He didn't tell me what he wanted it for.

Q. Then, if he has sworn he did tell you the use he wanted it for, did he swear to what was true or untrue? A. If he did, I don't remember it.

Q. You and he have agreed together upon that answer, have you not, "I don't remember?" A. No, sir; I have not.

Q. Why did you swear, at the commencement, that he did not tell you? A. Well, he didn't tell me in one way, I didn't know what he used it for; he just merely asked me in the month of December, if I could loan him a couple of thousand of dollars; I told him I could.

Q. Now, let us see; where had you that money? A. I had that money in the bank.

Q. What bank? A. I had it in the Bowery and Citizens' Savings Banks.

Q. How much in the Bowery? A. I couldn't say how much I had in the Bowery; it was around \$800.

Q. And how much had you in the Citizens'? A. I am making a mistake; it was the Citizens' Savings Bank I had about \$800.

Q. I want you to correct it if there is any mistake, officer?
A. It was the Bowery Savings Bank I had — well it was over \$1,200 I had there.

Q. Had you accounts in other banks than those two? A. No, sir; not then.

Q. I am speaking of that time? A. No, sir; not at that time.

Q. That was after; that was when he was captain, was it not; he was captain then when you loaned him the money, don't you remember? A. Yes; he was captain.

Q. And don't you remember that he said something about that he wanted to use this money for something about Christmas or New Year's? A. I could not remember, Mr. Goff.

Q. Now, did he ask you for this money while you were on duty? A. No, sir; not while I was on duty — well, that I could not say; I don't remember whether I was on duty; I was on the police force.

Q. You had saved up this money from your earnings, officer?
A. Yes, sir; some of it; and the other was left to me when my mother died.

Q. In Germany? A. Yes.

Q. How much did you get from Germany? A. Well, I couldn't exactly say; it was around \$1,500 or \$1,400; I couldn't say, Mr. Goff; I don't exactly know.

Q. Did you get it by draft? A. No; I got it through the German society, No. 13 Broadway.

Q. No. 13 Broadway? A. Yes, sir.

Q. Did you open a bank account with that money? A. No, sir; I had a bank account then.

Q. How long before you loaned the \$2,000 to Captain Strauss, did you get this money from Germany? A. I had this shortly before, a year or probably two years before; it may be only a year before.

Q. You signed a receipt of this money down at the German Legal Aid Society? A. Yes, sir.

Q. Your receipt is there, I presume, on record? A. It is there, yes; that is where I can find out how much it was, every cent.

Q. Now, I ask you, do you remember the date that you went to the Bowery Savings Bank and drew out the money? A. I guess it was a couple of days before the 1st of January.

Q. A couple of days before the 1st of January? A. Yes.

Q. And did you go a couple of days before the 1st of January to the other savings banks? A. Yes, sir.

Q. You have got those savings bank books, have you? A. I have got them.

Q. And you will bring them here in the morning to me? A. Yes, sir.

Q. I want to fix the date? A. Yes, sir.

Q. Was it not before Christmas day? A. No, sir.

Q. It was between Christmas and New Year's? A. It was between Christmas and New Year's.

Q. That is as near as you can get to it? A. As near as I can get to it; yes, sir.

Q. You drew the money out of them two banks on the same day? A. Yes, sir.

Q. Did you give it to the captain on the same day that you drew it? A. No, sir.

Q. How shortly after? A. Well, four or five, or probably six or seven days; while I think, it was about four or five days; it may be six days.

Q. It was before New Year's anyway that you gave it to him? A. No, sir; I don't think it was before New Year's; it was after New Year's that I gave it to him.

Q. You carried \$2,000 in your pocket, did you? A. Yes, sir.

Q. For six or seven days? A. Yes, sir.

Q. Doing duty? A. Yes — no; I was not doing duty at the time.

Q. What were you doing? A. If I am not mistaken, I was sick; I had rheumatism, and was sick for a couple of months at the time; I don't know whether it was five or six weeks I was on the sick-list; I was laid up with rheumatism; I don't think I was on duty at the time.

Q. Did you keep this money in your pocket? A. I kept this money in my pocket; yes.

Q. Now, what became of the writing you got when you loaned him this \$2,000? A. I had got no writing, Mr. Goff.

Q. Did not get any writing at the time? A. No, sir; I did not.

Q. Did you not ask for something? A. No, sir.

Q. You loaned this man \$2,000? A. Yes, sir.

Q. A stranger to you? A. He was not a stranger to me.

Q. What is he? A. He is a distant relative of mine.

Q. How distant? A. Well, I couldn't exactly tell you.

Q. So distant you can not locate it? A. Yes; I can locate it; of course, I didn't know the relationship between him and me until he told me himself; I am positive it is right.

Q. He discovered your relationship when he borrowed the \$2,000 from you? A. No; 15 years ago he discovered that.

Q. And you never knew anything different except what he told you? A. No.

Q. Was that the time he promised to make you wardman? A. No, sir.

Q. When did he promise to make you wardman? A. He told me about probably nine or 10 or 11 months before; he told me that whenever he was made captain of police he would take me with him as wardman.

Q. Was there anything said about you being wardman when you gave him this money? A. No, sir.

Q. Well, but he was captain then? A. When I gave him the money he was captain; yes, sir.

Q. Why did you not ask him to fulfill his promise? A. Well —

Q. Why did you not ask him to fulfill his promise? A. I think I didn't speak to him when I gave him that money.

Q. Why did you not ask him to fulfill his promise when you were giving him the \$2,000? A. I did ask him later on.

Q. When you gave him the \$2,000? A. No; I didn't ask him when I gave him the \$2,000.

Q. How much of that does the captain owe you now? A. He owes me nothing.

Q. Paid you the whole of it? A. Yes, sir.

Q. Altogether? A. No, sir.

Q. Different sums? A. Yes, sir.

Q. Different times? A. Yes, sir.

Q. Did he pay you by installments, once a month? A. No, sir.

Q. Once in six months? A. No.

Q. According as he saved it? A. No, sir.

Q. How did he pay you? A. He gave me two payments; he give me \$1,500 one time, and \$500 another time.

Q. How soon after or how long after did he give you the \$1,500? A. Well, I judge about five or six weeks or so.

Q. What did you do with the \$1,500 you got? A. I kept the \$1,500.

Q. What did you do with it; did you put it in bank or keep it in your clothes? A. I had it for a while with me;

carried it in my clothes, expecting, as he said, that he would shortly give me the other \$500; I didn't deposit it.

Q. You didn't deposit it? A. No.

Q. Did you get the other \$500? A. Yes, sir.

Q. Did you deposit it then? A. Yes, sir.

Q. In what bank? A. I deposited \$1,500 of it in the East River Bank, and I think \$500 in the Citizens' Savings Bank.

Q. The same day? A. No.

Q. Why did you not deposit it the same day if you had the \$2,000? A. I couldn't say; I didn't want to put it all in one bank.

Q. I am not asking that; why did you not deposit it the same day in two banks? A. I had no reason for it.

Q. If you deposited \$1,500 in one bank, why did you not deposit that \$1,500 when you received it? A. Well, I don't know; I thought he didn't draw no interest, and I was in no particular hurry with it.

Q. Certainly it did not draw any interest in your pocket? A. Well, it didn't draw any interest in the bank.

Q. It would be safer in the bank than in your pocket? A. I don't know; it was just as safe in my pocket as in the bank.

Q. What denomination in bills did you give him this \$2,000? A. I don't remember it.

Q. In what denominations did you get the \$1,500? A. I don't remember.

Q. Was it not a large roll that you got when he paid you the \$1,500; bill of \$5 denominations? A. I couldn't say that.

Q. It was a very large roll; \$1,500 was a pretty large roll in your pocket, carrying it around? A. No; I don't think it was.

Q. Were you wardman while you carried this \$1,500 around? A. Yes, sir.

Q. Any danger of getting it mixed up with the collections you made, from the houses of prostitution of that precinct? A. I didn't make any collections; there were no houses of prostitution in the precinct.

Q. There were not? A. No, sir.

Q. No houses of prostitution in that precinct? A. No, sir.

Q. How about the liquor dealers, money you got from the liquor dealers? A. Never got anything from liquor dealers.

Q. Never got a dollar while you were in that precinct? A. No, sir.

Q. Never asked for a dollar? A. No, sir.

Q. I want to know why is it you did not deposit that \$1,500 when you got it, as long as you deposited it later in the bank? A. I have no particular reason for it; I did not want to deposit it in one bank; I wanted to leave some of it near enough in case I wanted any money, then I would not have to go away down Chambers street, when I could go to Canal or Grand street; I had no particular reason for it.

Q. Were you looking to see if you could not be a roundsman at that time? A. No, sir.

Q. Make an application? A. No, sir; made no application.

Q. Ever passed the civil service for a roundsman? A. No, sir.

Q. You burnt some notes, did you not? A. No, sir.

Q. Destroyed some notes? A. No, sir.

Q. Tore them up? A. No, sir; never had any.

Q. Never had any promissory notes? A. No.

Q. Was it not in consideration of this \$2,000 that the captain promised to make you wardman? A. No, sir.

By Chairman Lexow:

Q. How many days or weeks or months after you got this \$1,500 you speak of back, did you deposit it, give it as nearly as you can; was it days, weeks, or months after you got it back? A. It was probably two or three months.

Q. Two or three months you carried it around in your pocket? A. Yes, sir.

Q. One thousand five hundred dollars? A. Yes, sir.

By Mr. Goff:

Q. Do you remember what the captain told you when he paid you the \$1,500; how he managed to get so much money together to pay you? A. No; he didn't tell me how he got it; not at all; he told me, if I am not mistaken, that he didn't use that money.

Q. If you are not mistaken — have you got any doubt about it? A. Well, I don't remember it very well.

Q. If you don't remember it don't tell us; don't guess at it; you are on your oath; by the way, do you believe in the obligation of an oath; after having kissed that book there? A. I do.

Q. Just look at that book; look at the cover of it.

Senator Bradley.— This is the Old Testament and this is the New Testament; now, do you believe in it? A. Yes, sir.

Q. Do you feel you are not bound in conscience unless you take an oath in pursuance to your religious persuasion — do you understand me? A. No, sir; I do not.

Q. Are you bound to your conscience to tell the truth except when you take an oath in pursuance to the form of your religious persuasion? A. I believe in this oath; yes.

Q. You believe in the oath you took upon this Bible? A. Yes.

Q. Have you got that \$2,000 now? A. Yes, sir.

Q. In what bank? A. East River Bank, Citizens' Bank and Bowery Savings Bank.

Q. When you said a little while ago if you were not mistaken the captain told you he did not use it; now, you know you have been told that within the last three days? A. No, sir.

Q. Don't you know that it is not true; don't you know what you said that time is not true? A. What I said was true, Mr. Goff.

Q. Don't you know that the captain did not tell you any such thing — that he didn't use that \$1,500? A. He did tell me.

Q. Are you positive about it? A. I wouldn't like to swear to it, but I think he did.

Q. What makes you think he did? A. Well, I think so; I have a slight remembrance, but I wouldn't like to swear to it.

Q. Are you equally sure that he did not tell you what he wanted to use that money for? A. Yes; I am sure he didn't tell me.

Q. Now, be careful? A. I am careful; whatever he told me I really don't remember; he told me it was for some private use.

Q. For a private use? A. Yes.

Q. Did he ever borrow money from you before? A. No.

Q. Or afterward? A. No, sir.

Q. It was the only transaction between you and he that ever took place? A. Yes, sir.

Q. How do you explain your loaning the \$2,000 to him and his appointment to the captaincy at that time? A. I didn't loan him the money for any such purpose.

Q. I didn't ask you that? A. That is what I understood you.

Q. As matter of fact, don't you know that that money was to go for his appointment for the captaincy? A. No, sir.

Q. Don't you know that he could not get the captaincy unless he paid for it? A. No, sir.

Q. Did you ever hear that in the police force? A. No, sir.

Q. This is the first time you have heard it? A. The first time; I have heard it in here.

Q. When? A. When it was here last week.

Q. That is the first time you have heard it? A. Yes, sir.

Q. And you have been 11 years on the police force? A. Yes, sir.

Q. The first time you have heard that a man could not be made a captain without money was here the other day? A. Never heard it before.

Q. Never heard it as a rumor? A. No.

Q. Never heard that no promotion could be obtained without paying for it? A. No.

Q. Did you ever hear that promotions had been bought? A. No, sir.

Q. Never heard a word about that? A. No, sir.

Q. Where have you been living, anyway? A. Right here in New York.

Q. And have you been sleeping all the time? A. No; I was wide awake; but I never heard anything.

Q. You mean to have the effrontery to say here that you have been a policeman and didn't hear, as common rumor and knowledge among members of the force, that members of the force had to pay for their promotion; do you mean to say that? A. Yes; I mean to say I never heard of it.

Q. You never heard of it? A. No.

Q. And that is as true as all else you have testified to? A. It's as true as all else I have testified to.

By Senator Bradley:

Q. When the captain asked you for the loan of \$2,000 did he tell you when he wanted it; when he wanted you to give it to him? A. No, sir.

Q. He did not tell you? A. He told me — he asked me if in a week or so I could loan him a couple of thousand dollars, and I said yes, I could.

Q. Did he promise to give you any interest on the \$2,000 when he would pay you back? A. No, sir.

Q. You drew the money out and you kept it in your pocket over a week? A. Yes.

Q. Did you understand by drawing the money out the latter part of December that you lost \$40 interest? A. Yes, sir; I knew that.

Q. You were willing to give that to the captain? A. Yes.

Q. And still you kept your money in your pocket until after the 1st of January? A. Well, I didn't know when he wanted it.

By Chairman Lexow:

Q. Did you draw the money out before the captain asked you to draw it? A. He told me about a week before the 1st of January; before New Years; about a week before New Years he said if I could loan him \$2,000; I said, "Yes;" "Well," he said, "Will you have it for me this week;" I said, "Yes;" so I went to the bank and drew the money and I had it in my pocket; and the captain didn't come to see me, and I didn't go near him; so it was at least four or five days after I paid the captain a visit, and he asked me if I had that money; that was after he was made a captain.

Q. Now, you know, do you not, by leaving it in bank just a few days longer you would have been entitled to six months' interest for that money? A. I did; yes, sir.

Q. Therefore, by drawing it out three or four days before the date when you would have been entitled to interest, you lost the whole interest for six months; is that not true? A. Yes, sir.

Q. Now, do you mean to say that, notwithstanding the apparent urgency which compelled you to draw the money and lose the interest a few days before interest would have been paid, you kept that money in your pocket until after the date when interest would have accrued, without saying a word to the captain about it? A. Yes, sir.

Q. How do you account for it?

Senator Bradley.— And you expect us Senators here to believe that; do you really think we believe you; how do you account for it? A. He asked me to get it for him and I thought as a friend and relative as he claimed; I thought I would get it for him.

Q. Do you think it reasonable for us to assume that you would not have said to him at least, "Captain, can I not leave it in bank for three or four days longer and get my half year's interest on it; or is it so necessary you should have the money at once that I must draw it?" A. I didn't ask him whether it was so necessary; I didn't make that remark; he merely asked me and I thought as a friend I would go and get it.

Q. Did he promise to make up to you the interest you would lose by drawing it the 1st of January? A. No.

Q. Never asked him to? A. No. (

Q. What did he say in reference to the use that he was going to put it to—simply private use? A. Yes; private use.

Q. Did you not ask him, in view of the fact that you would lose out of your own pocket that interest, what the necessity of that private use was? A. No, sir. 4

Q. Did you not know at that time that he was within two or three days of an appointment as captain? A. I didn't know.

Q. Did you not know that captains would be appointed on the 30th of that month, or just a few days after you drew that money? A. No, sir; I did not.

Q. And he did not tell you anything about it? A. He did not tell me; no, sir.

By Mr. Goff:

Q. Did you ever hear of one of your relations waiving interest before? A. I don't understand you.

Q. Did you hear of one of your relations losing interest before without the hope of gaining by it; you are the first and only man, is that it—do you understand me? A. No; I don't understand you.

By Chairman Lexow:

Q. The fact is, is it not, that by drawing it out a few days before the interest was due, you lost the interest for that six months, and by keeping it in your pocket after it was given to you by the captain back again; you lost it for six months more? A. Yes, sir.

Q. So you actually lost one year's interest upon that money, and you never asked a cent from the captain for it? A. No.

By Mr. Goff:

Q. Do you own a horse and buggy? A. No, sir; I own a small, little carriage; no horse.

Q. You own the carriage without the horse? A. Yes, sir.

Q. Why do you own a carriage without a horse? A. Well, I had a chance to buy it cheap one time.

Q. Got it for nothing, in fact? A. No; I paid for it.

Q. What pleasure did you take in a carriage without a horse? A. Well, I like to drive; I have friends that were in the stable business and I thought I would buy the wagon.

Q. And make use of your friends and borrow the horse, is that it? A. No, I paid for the loan of the horse.

Q. You bring those bank-books in the morning? A. Yes, sir.

By Chairman Lexow:

Q. Do you know anything about the gyp business in your precinct? A. No, sir.

William Le Cato, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. You are manager for the Gorham Mfg. Co.? A. Yes, sir.

Q. Your house has been unfortunate enough to have been robbed sometimes, has it not? A. It has within the last 10 years, more or less.

Q. And much of your silverware, sometimes, has been taken? A. Yes.

Q. Now, in several instances where your silverware has been discovered in pawnshops in this city, have you had to pay the price for which the silver was pledged by the thieves? A. I believe we have in every case; there may be one exception.

Q. What was the exception; if it is a remarkable one, I want to hear it? A. That was in the case of a lot of silver which was stolen and taken to Philadelphia.

Q. I mean in New York? A. I don't believe we have ever had in New York, without paying for it.

Q. So that it would be much better from a standpoint of economy that the thieves would take the stolen property out of the State, have a better chance to get it back without paying for it? A. If we got it it would probably cost us less, from our experience.

Q. In addition to your paying the pawnbrokers, you generally paid the detectives from the Central office something? A. We have been in the habit of giving them money.

Q. Now, what amount is the average? A. Probably from \$10 to \$50.

Q. Any particular officer there or detective that you have had more dealings with than any other? A. No; we have had a number of them.

Q. Name the officers, if you can? A. I suppose there has been as many as eight or 10 altogether.

Q. Can you remember the names? A. Dolan, Slosson, Connor, Heidelberg.

Mr. Goff.—By the way, it is matter of record, Mr. Chairman and Senators, that this Heidelberg, a detective-sergeant, to-day

on the police force, was at one time, discharged from the police force for being a thief; the matter was proven, and he was reappointed after.

Senator Bradley.—Is there not an old proverb which says that it takes a thief to catch a thief?

Q. Right upon the Senator's suggestion, in any of these cases where your silverware was recovered from the pawnshops, and you had to pay for it, were the thieves caught? A. Yes; in two or three cases.

Q. Were they convicted? A. Yes.

Q. Sent to prison? A. Yes, sir.

Q. But not in all cases; only two or three, you say? A. May be as many as four; I know in some cases they were not caught.

Q. But whether they were caught or not, you had to pay all the same? A. I don't say that we had to pay; we did pay; we were never asked to pay anything; that was voluntary.

Q. I am not speaking now what you gave to the police, but to the pawnbroker, in order to get your goods back, you had to pay the price for which the goods had been pledged? A. Yes; and we preferred to pay.

Q. Why did you prefer to pay? A. We had it understood with the pawnbrokers that any silver of ours that was found in their possession, that we were willing to pay a fair sum for it.

Q. How was that understanding reached? A. We had our own private detective, sent him around with those instructions; we did it to facilitate the tracing of goods; such a large stock as we had, it is difficult to tell whether we are being robbed at once, and if the pawnbroker sent to us a piece of silverware we could at once recognize it, and begin to trace it, and find out where the leakage was.

By Chairman Lexow:

Q. Would not that be a premium to pawnbrokers to loan away up to the full value of the silver goods in case they were your goods and they recognized them as such? A. Possibly, although we never looked at it in that light.

By Mr. Goff:

Q. Did you ever consider that you were not bound to pay \$1 for your goods found in the possession of pawnbrokers, as matter of right? A. I don't know that we ever considered it or looked at it in that light.

Q. Did the detectives tell you that you had to pay the pawnbrokers before you could get your goods? A. I don't remember a case in which they did.

Q. As Senator Lexow has suggested, might that not lead to collusion between thieves and pawnbrokers, or possibly between dishonest employes and pawnbrokers; in order to advance large amounts upon your goods? A. Possibly.

Q. About how much have you given to the police in the way of presents, these officers? A. I should think \$400 or \$500.

By Chairman Lexow:

Q. Did these detectives ever tell you what your legal rights were, that you would not have to pay these pawnbrokers? A. I don't remember that we were ever told that.

Q. Do you think you would probably remember it if they had? A. Yes; if they made a point of it I should certainly remember it.

Q. Did they ever tell you that you were under no obligations to give them a dollar for the services they rendered in recovering your property? A. No.

By Senator Bradley:

Q. Did they ever tell you that they would have to put part of that money into the pension fund, so much per cent.? A. No, sir; we understood or we thought there was more or less expense for these men going around and when they were through we gave them some money.

By Chairman Lexow:

Q. But those expenses you understand were paid by the city? A. Yes.

Chairman Lexow.—All witnesses subpoenaed for to-day will return here to-morrow morning at half-past 10 o'clock. The committee will stand adjourned until that time.

Proceedings of the seventieth session, held in the Superior Court-room, Part I, in the city of New York, on Friday, December 21, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, Cuthbert W. Pound, Daniel Bradley and Jacob A. Cantor. John W. Goff, Frank Moss and W. Travers Jerome, of counsel for the committee.

Adolph Reinert, called as a witness on behalf of the State, being duly sworn, testified as follows:

Senator O'Connor.—Before we proceed here, I want to say a word. My attention was called to an interview that purported to emanate from me, which was published in the New York World this morning. I had some talk with the reporter of the World at the Hotel Metropole last night. As I read this interview it totally misrepresents my position there; but very little of what was said in the reported interview correctly represents what I stated. I have no hesitation now, in saying, as every member of the committee knows that everything that has been done by this committee, from the very beginning, had my most cordial and earnest indorsement, and we have no apologies to make for the laches of the committee. We appreciate the fact that we have violated all precedents, but in doing so we have established one. We came down here to New York to accomplish a certain purpose, and we felt entirely satisfied it never could be accomplished by the ordinary methods which obtain in a court of justice. What we have done, and permitted to be done has been done knowingly, and with our full approbation. We looked upon the position down here as state of war and felt there was corruption and bad government here, and we were bound to uncover it if we could. We think the committee and its counsel have succeeded in showing up the rottenness of this entire city from center to circumference. There has been no lack of harmony with this committee or its counsel; and I have always commended in the highest terms the method of Mr. Goff's examination and the results that he has obtained.

Furthermore, I desire to say, that we have no apology for this so-called bulldozing on the stand here. We do not permit it to be done to a witness that is telling the truth; we do not care what kind of probe is applied to the witness who is trying to evade. While we recognize the right of everybody to criticise because this is a new method, it is a method that is necessary to be adopted if these kinds of investigations are made a success. We know what we were doing, and stand by what we have done. We recognize the right of the press to criticise it. We are after results and we think we have got them.

Chairman Lexow.—I would like to add to that, Mr. Goff, that the same article seems to throw responsibility for what has

been done, and what has not been done, or left undone, entirely upon the shoulders of counsel. I think that is unjust and improper. This committee is willing to share with our counsel absolute responsibility for both what has been done and what may be left undone.

Mr. Goff. I might add, Senators, that I think I stated to you at the first interview I had the honor of having with you in the Senate chamber, or in one of its rooms, that if I were honored by selection as your counsel, I should not put on white gloves in dealing with the witnesses; and your committee told me to exercise all the ingenuity I was capable of, and to plunge the knife in—that was the word, I think, that was used by Senator Pound—and turn it around wherever I could, in order to get at the truth, without at all, either asking consideration or in the sense of apology, as you have stated, for any methods that have been adopted by the counsel of this committee in the examination of witnesses. I would say, however, that I think in the cases deserving consideration and kindly treatment, I do not think counsel has been wanting in that consideration and kindly treatment for witnesses who manifestly deserve such treatment. If, on the other hand, as has been stated by you, where a witness was manifestly telling a falsehood, and lying continuously through his testimony, it has been true that sharp-pointed questions have been put; and while I have the honor to serve you as counsel, and in pursuit of the object you started out upon, and instructed me to start upon, I shall continue to put pointed and disagreeable questions to witnesses, who, I believe, are lying and evading the truth.

Chairman Lexow.—And the committee will continue to have the most absolute and implicit confidence in the counsel and the methods he pursues.

Mr. Goff.—Thank you, Mr. Chairman.

Q. You have come here, as a witness, under the subpoena?

A. Yes, sir.

Q. Now, I hand you this paper, and ask you if this is the subpoena that was served upon you? A. Yes, sir; that is the subpoena.

(Paper offered in evidence and marked "Exhibit 1, December 21, 1894, L. W. H.")

Q. When were you served with this subpoena? A. Last night about 8 o'clock.

Q. Do you know the person who served this subpoena upon you? A. No, sir; he is entirely a stranger to me; but, I suppose I could recognize him, if I should meet him again.

Q. Did he say anything to you when he served this subpoena upon you? A. Yes, sir; he came in and said, "Is Mr. Reinert here?" I says, "Yes;" he says, "Well, give this to him;" that is all.

Q. Handing you this paper? A. Yes, sir.

Mr. Goff.—This is a paper, Senators, purporting to be a subpoena from this committee. It is an ordinary subpoena for a civil court, and the person served is ordered to appear in his private person before the Lexow committee on the 21st day of December, at the Superior Court, General Term court-room, County court-house, Chambers street, in the case of Officer John Townsend, of the Ninth precinct, defendant, on the part of the people; and it goes on to say, that for a failure to attend the witness will be fined \$50 and liable to be committed for contempt of court. The subpoena is made in the usual form and is directed to Adolph Reinert, 443 Fourteenth street, and purporting to be signed by John W. Goff, attorney. I would give something to catch the person who served that subpoena or the person who wrote it.

Chairman Lexow.—Do you know any motive that the person might have in serving a subpoena of this kind on him?

Mr. Goff.—No, sir.

Q. Do you know this Officer Townsend? A. Yes, sir; I do know him.

Q. Are you are friendly terms with him? A. I am, but I have not seen him in a long while; he used to be on the market, but I understand he is retired; I read in the paper about him last week being —

Mr. Goff.—This is one of the many cases not in the shape of subpoenas, but having the same bearing which I think it has. It is evident that this subpoena has been served upon this witness by some person or caused by some person who has a private grievance against this officer. That is, I think, a fair construction of it from this subpoena. Your counsel, gentlemen, have been in receipt of numerous letters and communications, anonymous, and others urging counsel to call this man and call that man, and put certain questions to them; and on our failure to call those persons indicated, we have received abusive and

scurrilous letters, accusing us of being bought up by those persons, etc., for not calling them. In the examination of these numerous letters and diatribes we have come to the conclusion that very many persons have sought to make this committee a vehicle of private antipathies and malice against certain men and officials. So far as we could, in our best judgment, we have avoided allowing this committee or its counsel to be made such instrument to gratify personal or private matters; and while many of these communications were very attractive on their faces, and which on the first appearance would hold out a prospect of very great results, yet examination by us in very many cases has shown how utterly unfounded they were. It has been the object of the counsel of this committee, and I know, of course, we were acting in harmony with the views of the committee, that the function of this committee was not to smirch any man's character, or call men before this committee for the purpose of smirching their characters; and we have refrained, Mr. Chairman, I may say now, and under very grave provocations, sometimes from witnesses themselves, from uttering a word, either by question, innuendo or insinuation, that would affect their private character, though we have been certainly tempted sometimes by provocation and aggravation. We have absolutely drawn the line at the difference between a man's public life and record, and his private life and record. We shall continue to do so, and hereafter we shall be guided by the same principle that the purpose of this committee is not to sacrifice men's characters, but it is to expose a corrupt and dangerous condition of public affairs in the police department of this city, and for no other purpose; and if in doing that men's character's have to go down, they must go down; but if we can not do that, we are not going to wantonly assail men's characters for the purpose of putting men on the stand to hurl at them questions that might leave some mud. This case of this witness gives me opportunity to refer to what has given us a great deal of irritation and annoyance; and if these people who write these letters, abusive and otherwise, would only take that into consideration and remember that we are here as public servants, and not as tools or implements of any man or set of men to wreak vengeance upon anyone, they would save themselves a great deal of trouble, and save us

a great deal of time if we had not these communications. You may go now, Mr. Reinert, with this injunction, that you must use every effort in your power to identify the person who served that subpoena upon you.

The Witness.—I will, Mr. Goff.

Mr. Goff.—And let counsel of this committee know as soon as possible if you succeed?

The Witness.—I will; yes, sir.

Edward Shalvey, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. How do you spell your name? A. S-h-a-l-v-e-y.

Q. Officer, have you any title deeds to your property? A. Yes, sir.

Q. What? A. Title deeds; no—I have deeds; yes, sir.

Q. You have deeds? A. Yes, sir.

Q. How many? A. One.

Q. How much property have you? A. Three lots.

Q. Where? A. Westchester.

Q. Has your wife any property? A. No, sir; my wife is dead.

Q. Has anyone any property in your name? A. No, sir.

Q. Holding it for you? A. No, sir.

Q. Or in trust for you? A. No, sir.

Q. In any way? A. No, sir.

Q. Have you ever bought any property but those three lots?
A. I bought the lease.

Q. Leasehold? A. Leasehold; yes, sir.

Q. You have that lease with you, have you? A. Yes, sir.

Q. Where is that property—leasehold? A. Monroe street;
193 Monroe street.

Q. One building? A. Yes, sir.

Q. What is the lease there? A. Twenty-one years.

Q. How much did you give for it? A. In the neighborhood
of \$4,000.

Q. Have you got any other property but that leasehold?
A. And those three lots.

Q. And the three lots I said; have you any bank accounts?
A. Yes, sir.

Q. How many? A. Well, four or five, I think.

Q. Four or five; what banks? A. Bowery, Citizens', Emigrants' and Dry Dock.

Q. Have you got any certificates of the Trust Company? A. No, sir.

Q. Any money in the Trust Company? A. No, sir.

Q. Life policy? A. No, sir.

Q. None at all? A. No, sir.

Q. Hold any bond or mortgages? A. No, sir.

Q. You understand what I mean now do you? A. Yes, sir.

Q. Do you hold any promissory notes? A. No, sir.

Q. Any person owing you large sums of money? A. No, sir.

Q. Have you got a safe deposit? A. No, sir.

Q. Did you ever have one? A. Never.

Q. Anyone holding it for you? A. No, sir.

Q. You swear that outside of the property that you have mentioned, you have no interest, directly or indirectly, in any real estate? A. Yes, sir.

Q. In this city or elsewhere? A. Yes, sir.

Q. Now, officer, I wish you to bring me your deed of those lots and that lease, and your bank-books? A. Yes, sir.

Q. You were a detective, were you not? A. Yes, sir.

Q. In the Eleventh precinct? A. Twelfth precinct.

Q. Fourteenth? A. In the Twelfth.

Q. That is Union Market? A. In Delancey street.

Q. That is where Hussey was? A. Yes, sir.

Q. You were a partner of Hussey's? A. Yes, sir.

Q. You were retired under the recent resolution of the board?

A. I am not retired; no, sir.

Q. Or reduced, were you not, from wardman to the ranks?

A. Yes, sir.

Q. How long were you wardman? A. I guess different times; in the neighborhood of 18 or 20 years.

Q. Eighteen or 20 years? A. Yes, sir.

Q. Never wore the uniform during those times? A. Yes, sir.

Q. While you were wardman? A. I had been reduced from wardman before.

Q. While you were wardman, you did not wear the uniform?

A. No, sir; when I was wardman; no, sir.

Mr. Goff.—I will excuse you now, officer, and you bring those books, deeds, leases, etc., at recess at half-past 2 o'clock

Judge Voorhis is here, Mr. Chairman. We have not an opportunity to examine him to-day. I have not had a chance to exam-

ine very many questions arising in this matter, and I have not the opportunity. I can not examine Judge Voorhis to-day. Mrs. Holland here? I would like to ask you a few questions, Mrs. Holland.

Julia Holland, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. Mrs. Holland, have you any real estate in your name? A. No, sir.

Q. Did you ever have? A. No, sir.

Q. Has your husband any real estate for you? A. No, sir.

Q. What? A. No, sir.

Q. Mrs. Holland, understand me, your husband is living? A. Yes, sir.

Q. Does he own any real estate? A. He has a half interest in one piece of property.

Q. Where is that piece of property? A. On Amsterdam avenue, between One Hundred and Fifty-third and One Hundred and Fifty-fourth streets.

Q. Have you any interest in any real property; in any real estate? A. No, sir.

Q. Did you ever have? A. No, sir.

Q. Have you signed any papers recently, given any deeds? A. No, sir.

Q. Did you ever sign any deeds? A. Not that I know of.

Q. Your husband conveyed some real estate, did he not? A. He has owned real estate and sold it again; I don't know whether I have signed them or not; I suppose I have signed them.

Q. That is all you know about it? A. Yes, sir.

Q. Is your husband in court? A. Yes, sir.

Mr. Goff.—I will excuse you, Mrs. Holland.

Charles H. Holland, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. What real estate do you own? A. I have a half interest in 1889 Amsterdam avenue.

Q. How long have you had that half interest? A. Four years.

Q. How much is it worth? A. About \$1,000.

Q. What is your business? A. Merchant tailoring.

Q. Where is your business? A. No. 1931 Amsterdam avenue.

Q. Since you were married to Mrs. Holland have you conveyed away any real estate that you acquired? A. Excepting by buying and selling.

Q. Have you bought and sold much? A. One, two—about five or six different pieces of property.

Q. What is the average value of that property? A. Well, the—I can not tell; I have built a cottage for \$6,000, and I built a flat that I sold for \$20,500; and then I had an interest in four lots on Amsterdam avenue, and then I had six lots—I had an interest in eight lots on Forty-second street, and then I had four lots on One Hundred and Forty-sixth street; that is all.

Q. How long have you been in business? A. For 15 years.

Q. On your own account? A. Yes, sir.

Q. Doing a pretty fair business? A. Let me see—1870—15 years; yes, sir.

Q. Now, you swear that your dealings in real estate have been upon your own money? A. No, sir.

Q. Whose money? A. They have been between Mr. A. M. Bradley partly and mine.

Q. Who is Mr. Bradley? A. He is connected with the Bloomingdale Asylum.

Q. An official there? A. Yes, sir.

Q. Is Mr. Bradley a married man? A. No, sir.

Q. Then you have been to some extent partners in these real estate transactions? A. Yes, sir; entirely; with the exception of my cottage and my flat, and that I built on my own money.

Q. Outside of Mr. Bradley has any person been interested at all in your real estate dealings? A. No, sir.

Q. Has any person furnished you with money? A. No, sir.

Q. To purchase in his or her name? A. No, sir.

Q. Have you been acting as agent or representing any secret trust for a person? A. No, sir.

Q. All on your own means with the exception of Mr. Bradley's money? A. Yes, sir; I might mention the six lots in One Hundred and Forty-second street; I was in with Mr. Ogden K. Lindenberg, who furnished the money and I had a half interest by paying my expenses.

Mr. Goff.—That is all.

Mr. Moss.—While we are waiting, I will call Howard McDonald. The committee will remember the testimony of Miss Rosenthal and the suggestions that have been made from

some headquarters that she did not tell the truth; and also the same testimony of Mrs. Kelter, and some reports that appeared in the papers, showing an inspired investigation by a gentleman who was implicated in the story, who has rendered a verdict that he is not guilty. This gentleman's testimony, I think, will throw some light upon those proceedings.

Senator Pound.—In the testimony of Mrs. Kelter, she testified that she heard her husband gave \$1,500 to Judge Hogan; and that being hearsay evidence, it was stricken out; but the newspapers, in reporting it, did not note that fact; so Judge Hogan has unnecessarily been exerting himself in regard to that charge. There is nothing on the record here

Howard McDonald, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. Where do you live? A. One thousand four hundred and fifty-five Avenue A.

Q. Do you know Policeman Gill? A. I met him Monday afternoon; that is the first I saw Mr. Gill.

Q. He is the man Miss Rosenthal has testified about; do you know Miss Rosenthal? A. Yes, sir.

Q. What did Mr. Gill say to you? A. I am a fireman on the road; he came up there where I worked at One Hundred and Twenty-ninth street, and asked me if I knew Miss Rosenthal; and I told him, "Yes;" and he wanted to know whether I was going to help him out of this case; I said I knew nothing about this girl and could not go down there and put myself in trouble for him or any other man; he said, "Mac, try and do the best you can for me, and I will pay you well for it."

Q. He wanted you to come down here and get him out of trouble about the Rosenthal case, and he said he would pay you well? A. He said he would pay me well; I have got proof of that; that is all Mr. Gill said to me.

By Senator Bradley:

Q. Had you anyone listening when he said that? A. Yes, sir.

Q. You know that? A. Yes, sir; a fireman.

Q. He wanted you to go and perjure yourself for him and he would pay you well for it? A. He wanted me to come here and swear for him; and I told him, "No, sir; Mr. Gill, you can not pay me."

Captain Max F. Schmittberger, called as a witness on behalf of the State, having been previously sworn, testified as follows:

By Mr. Goff:

Q. You are a police captain of this city? A. Yes, sir.

Q. In command of what precinct at the present time? A. The Nineteenth.

Q. Now, captain, you are called here as a witness on behalf of the State of New York to testify in relation to matters in the police department of this city; in obeying the subpoena of this committee, and in taking the oath called for and administered to you by the chairman of this committee, you appreciate the obligations which rest upon you, do you? A. Yes, sir.

Q. You know that the oath administered to you is binding absolutely upon your conscience? A. Yes, sir.

Q. To tell the truth, the whole truth and nothing but the truth? A. I have come here to tell the truth wholly and truly, without any promise of any kind.

Mr. Goff.—The law extends certain privileges, Captain Schmittberger, and outside of those privileges extended by law; are you prepared to testify and answer all questions put by this committee and its counsel without reservation, and without any hope of reward for doing the same? A. I am.

Q. Or any promise of reward for doing the same? A. I am.

Mr. Goff.—Now, Mr. Chairman, I think it proper here that you state to the witness the attitude which he holds now to this committee, and the attitude which the committee holds to him, not only now but in the future.

Chairman Lexow.—Witness, we are here a committee, appointed by the State Senate, for the purpose of investigating alleged abuses and corruption in the police department of this city. We have now been taking testimony, covering a period of from six to seven months, and have a record of almost 10,000 pages of testimony heretofore taken. We have been successful in bringing out certain phases of corruption existing in the department. We are, however, here on the great State service to ascertain, not only individual or specific cases of fraud or corruption, but the general system; and any witness who places himself on the stand here, no matter if he has himself been guilty of the violation of the law, if he places himself here under the protection of this committee, to serve it, to aid it in the ascertainment of those questions that the State Senate has imposed upon us,

we shall consider it not only our obligation and our duty under the circumstances as Senators, individually and collectively, to do all we can to see that that immunity which the law throws about you, and which a public service of the kind which you will render if you unreservedly state all the facts you know of in connection with police corruption, unreservedly, without mental reservation, we shall do all we can to see that those immunities are safely guarded, and that you shall hereafter be protected from any of those results that that testimony might otherwise bring upon you. We regard, in other words, that an individual case of corruption is insignificant, as compared with the securing of testimony by this committee, which shall cover the whole question involved in this police system here, and enable us to formulate such legislation upon that basis. Will that cover the question, Mr. Goff?

Mr. Goff.— Yes, sir.

Senator O'Connor.— There is frequently some misunderstanding arising from the newspaper reports here. The immunity is under the law. There is no power in the Senators; but we will do what we can to see that the law is complied with.

Mr. Goff.— I wish to state that all witnesses under subpoena are excused for the day; and that such witnesses will report here on next Wednesday morning, without fail, at the reconvening of this committee.

Chairman Lexow.— At half-past 10 o'clock. When this committee adjourns to-day, it will adjourn to half-past 10 o'clock on Wednesday morning.

Q. On July, 28, 1874, captain, you joined the police force, was it? A. January the 28th, 1874.

Q. Yes; so it is, a mistake of a letter there; you were 23 years of age when you joined the police force? A. Twenty-two.

Q. Well, your age is down here at 23; however, it only makes a difference of a year; what was your business before you joined the police force? A. Confectioner

Q. Were you married when you joined the police force? A. Yes, sir.

Q. That is in 1874; now, when you joined the police force, did you pay anything for your appointment, or any consideration for getting on the police force? A. No, sir.

Q. The practice had not commenced then as early as that — 1874? A. No, sir.

Q. The civil service was not then in operation either, was it? A. No, sir.

Q. To what precinct were you assigned, captain, when you were first appointed? A. The old Twenty-ninth precinct, now the Nineteenth.

Q. That is the Tenderloin, as it is called? A. Yes, sir.

Q. And how long did you do duty as patrolman? A. Three years.

Q. In that one precinct? A. Yes, sir.

Q. So that you became fairly well acquainted with the precinct during that period of time? A. Yes, sir.

Q. And you became thoroughly conversant with the duties and hardships, etc., of the life of a patrolman? A. Yes, sir.

Q. While patrolman there were there inequalities between the patrolman with regard to the duties exacted of them by the commanding officer of the precinct? A. No; the duties were the same.

Q. Were they all treated alike? A. Oh, I think so.

Q. Were there any favorites? A. Oh, yes; there has always been favorites of sergeants of course.

Q. Well, these favorites got a consideration sometimes that the men who are not favorites did not receive? A. Yes, sir.

Q. In what direction, captain, did they receive those considerations — favorable considerations? A. In being excused from duty, or not being sent on special duty during hours when they could be at rest in the station-house, and in getting what were considered lively posts and dead posts, and so on; now, policemen generally like to be on a lively post, and not on a post where it is desolate, or where there is no person to be seen there at night, or posts where they can not get a cup of coffee or a sandwich.

Q. And these posts that are called "lively posts" are much sought for by policemen? A. Yes.

Q. What officer has it in his power to assign policemen to these respective posts? A. Most generally the captain; but sometimes that devolves upon the sergeant, especially during day tours.

Q. On the sergeant in command of the desk at the time? A. Yes, sir.

Q. The preference shown to some patrolmen over other patrolmen necessarily caused discontent among them, does it not? A. Sometimes it does.

Q. And affects the discipline of the force? A. To a certain extent.

Q. That is where men who are all of the same level were paid the same, and expected to do the same duty, find that one or more of their number are preferred to privileged places or posts, that naturally begets a resentment in their minds, does it not? A. Yes, sir.

Q. In other words, it is not conducive to good discipline that any favoritism should be shown whatever? A. It is not.

Q. Can you tell us what are the causes that produce the favoritism and from which it arises? A. Well, I am not prepared to answer that question, because I could not tell what causes; there might be a personal liking of a sergeant for a patrolman, or there might be other reasons which I do not know; I could not state any particular reason for that, only that the sergeant might be interested more in one man than he would be in another; and a man's disposition sometimes called that forth, that he is liked or disliked by his superiors.

Q. Well, it has been commonly rumored and said that the interference of local politicians, or the political complexion of the men have something to do with these preferences? A. Yes, sir; they have.

Q. What can you say as to the indication of such influences in the department in order to secure preferences; what is the effect produced? A. It is decidedly detrimental to the discipline of the department.

Q. Detrimental? A. Yes, sir.

Q. Now, speaking of the political influences, the sergeant under such circumstances becomes, as it were, the mouth-piece of the politician; is that it? A. Yes, sir.

Q. That is, am I correct in this assumption, that the politician having a friend patrolman that he wishes to have favor shown to goes to the sergeant and exercises his political influence with the sergeant to have favors extended to his friends? A. That is exactly the case.

Q. The sergeant must be impressed with the fact that the politician must exercise some influence over him, or he would not in general comply with the request? A. Most undoubtedly.

Q. And in what direction does the sergeant recognize that the politician has influence over him? A. Influence with his

superior officers; with the sergeant's superior officers, and with the commissioners.

Q. And that influence if exercised antagonistically to the sergeant might result in some injury to him? A. Yes, sir.

Q. For instance, his removal, or his failure to get promotion; just answer so the stenographer can get it down?

Chairman Lexow.—Answer so the stenographer can get it down.

A. Yes, sir.

Q. Well, take, for instance, a sergeant who is an applicant for promotion, has he not to lean or rely more or less upon the influence of the politicians in order to get that promotion? A. More or less; yes, sir.

Q. In fact, is it not true in the department that he has to rely upon what is called his political pull just as much as he has to rely on his record as police officer? A. Most undoubtedly; more so, in fact, than on his record.

Q. So, that as a matter of preservation to himself and the protection of his own interests he is bound to comply with the requests of the politicians? A. He is, sir.

Q. And hence favoritism creeps into the department? A. Yes.

Q. In that grade? A. Yes, sir.

Q. I have been informed that in some places sergeants have been moved by other considerations than political considerations, that is, by financial considerations, of exacting from the patrolmen payment of some money, or the loaning of some money or financial accommodation in order to get pet or favored positions; have you heard of such things? A. Not financial; no, sir; I have known cases where some cigars, or something like that; but never any money.

Q. You never heard the patrolmen had to give up any money? A. No, sir.

Q. To get a post? A. No, sir.

Q. Or to be excused from duty? A. I don't know; I don't know as I can exactly say that; I never heard of that; no such case ever came under my observation.

Q. Or to be put on special patrol duty, detailed for special duty; that is considered a choice assignment; is it not? A. Yes, sir.

Q. Have you ever heard of money considerations going from the patrolmen to the sergeants ? A. I have heard that; but I could not testify.

Q. In the department? A. Yes; I do not know it from my own knowledge.

Q. Of course, when I ask you as to your knowledge of the existence of certain things in the department derived from common rumor and notoriety, I will so tell you, so you will know what the line is between your knowledge and the facts brought to your knowledge; captain, can you give us an idea as to whether or no the class of men appointed upon the police force during the past 10 years, from 1884 to 1894, is an improvement or a deterioration upon the class of men appointed to the police force from 1874 to 1884, taking those two 10 years? A. I think the men appointed in the previous periods make better policemen than the new ones.

Q. To what cause can you attribute that, if any? A. Well, they do not seem to be so strong, and able, and intelligent a set of men, in spite of the civil service examination that exists now; what I mean is, they do not make so good policemen as the old men; very few of them; they do not seem to catch on exactly upon their line of duty; what is expected of them, and what they should do; they are more politicians than anything else.

Q. We have evidence before this committee, both direct and circumstantial, and sufficient to justify this committee in a belief that a practice has obtained in recent years of applicants for the police force having to pay for their appointment; have you heard of such a practice? A. Yes, sir.

Q. Is it a matter of common rumor and notoriety in the department that applicants have to pay for their appointment? A. Certainly, sir.

Q. Would that tend to deteriorate the character and caliber of the men applying? A. It would.

Q. So that in addition to their political pull, they were expected to give a financial consideration for their appointments? A. Yes, sir.

Q. Can you give us any light or knowledge upon that subject, as to how this money is paid or collected; to whom it is paid, or where it reaches? A. I couldn't tell you anything about appointments; but I can about promotions.

Q. Well, we will come to that; but I want to treat each question, captain, as we go along step by step; it has been a matter of testimony before this committee that a number of men called "go-betweens" who are not members of the department, have been receiving this money? A. Yes, sir.

Q. You have heard of that, have you? A. I have.

Q. And in fact there were men in this city well known as "go-betweens?" A. Yes, sir.

Q. That if men wanted to get in that department they would have to go and see so and so? A. Yes, sir.

Q. And their names were very well know? A. Very well, sir.

Q. Could you give us any names of those "go-betweens" that you have heard of as a matter of common rumor and knowledge? A. Charley Grant, Commissioner McClave's secretary, that is the only one I can think of just now.

Q. Did you ever hear the name of Kelly, or O'Kelly? A. No, sir.

Q. A shoemaker? A. No, sir; only from what I read during the previous investigation here; that is the first I heard of that.

Q. Did you ever hear the name of a tailor who has a store near the Hotel Metropole on Broadway? A. Yes, sir.

Q. Do you remember his name? A. Yes, sir.

Q. What is his name? A. Meyers.

Q. Have you heard his name in connection with this "go-between" business? A. Yes, sir.

Q. Did you ever hear the name of Alderman Parks mentioned in connection with the selling of appointments on the police force? A. Only from reading in the press.

Q. Only from reading? A. It was charged here.

Q. So far as the discipline of the department is concerned, what has been your experience with the men who have been reputed as paying for their appointments on the force as to their reliability, as to their intelligence, etc., as police officers? A. As I have stated before they make poor policemen.

Q. Poor policemen? A. Yes, sir.

Q. I suppose they feel that they have purchased their positions and that they are sort of independent; is that it? A. Exactly, sir.

Q. Now, with regard to the infractions of the rules of the department, and indeed as to violations of law, such for instance

as clubbing; have those men been more disposed to indulge that practice, and also in violations of the discipline of the department than the older men? A. Yes, sir.

Q. And what has been the cause of such proneness on their part? A. Well, they seem to have some independence about them; they do not seem to care as much for whatever criticism may be given about them; they are more independent; they are not as ready to obey orders as the older men, who make good officers; who readily obey every order given to them, and execute them intelligently.

Q. Now, suppose that these men, the class that we speak of, violate the rules of the department, or violate the laws of the land, that are brought to trial before the commissioners to answer for the offenses charged against them; what in general has been their attitude when brought to such trial? A. The attitude of the commissioners, or the patrolmen?

Q. No; of the men, of the policemen; this later class I speak of? A. As I stated before, they appear more independent than the other men; they feel that they have a right, on account of having paid for their appointment, to more protection than the others.

Q. In cases where they are called upon to answer complaints against them, do they rely as much upon the strength of their defense as they do upon their political pull? A. I guess they depend upon the pull more than the defense.

Mr. Goff.—At this point, Mr. Chairman, while it is a short time in advance of our usual time for recess, I think, for good and sufficient reasons, I will ask you to take a recess at this point, warning the witness, of course, that he is a witness and in charge of this committee.

Chairman Lexow.—Witness, you are now under oath, and in charge of the committee, and you are specially informed that no one must approach you. If he does, that you must tell this committee at once of any such action on his part. You must not discuss the testimony with anybody, or allow anybody to discuss it with you. The sergeant-at-arms will deputize somebody to remain with Captain Schmittberger during recess. The committee will stand adjourned until quarter after 2 o'clock. Mr. Goff, will you be prepared, in case the Senators are ready, to proceed sharp at quarter past 2 o'clock.

Mr. Goff.—Yes, sir; quarter past.

AFTERNOON SESSION.

December 21, 1894.

Present.—Senators Clarence Lexow, Edmund O'Connor, George W. Robertson, Cuthbert W. Pound.

Counsel, as before.

Max L. Schmittberger, recalled, and testified as follows:

By Mr. Goff:

Q. Speaking of patrolmen, I will ask you to step with me from the consideration of the subject when you were patrolman to the time when you were captain; have you had instances of patrolmen under your command who violated the rules of the department and who, practically speaking, set your authority at defiance as a captain? A. No, sir.

Q. Have you had any men of your command brought before the commissioners on charges preferred by you? A. Oh, yes; a great many.

Q. Have you had any cases where men expressed the confidence that they had pull enough to cause an acquittal of the charges? A. Not personally to me, but I have heard that men have expressed themselves that way; yes, sir.

Q. As captain, it came to you, as commander of the precinct? A. Yes, sir.

Q. Now, captain, you have attended a good many trials at headquarters, no doubt? A. Yes, sir.

Mr. Goff.—Is Officer Greene here?

(No response.)

Q. And in these cases, information has reached you through members of the department that officers charged with offenses, practically speaking, defied you? A. Yes, sir; to a certain extent.

Q. And that defiance, was it based upon the alleged ground of political influence and power to protect them from the consequences of their act? A. Yes, sir; many of these men belonged to political organizations, political clubs.

Q. Now, speaking of political organizations and clubs, I would instance one, the Pequod, for instance; that is in your neighborhood, though not in your precinct, I believe—the club-house? A. Yes, sir.

Q. Did you know of many police officers who belonged to the Pequod Club? A. Yes, sir.

Q. Have you any knowledge of any influence or pressure being brought to bear upon police officials to belong to that club? A. I was asked to belong to it.

Q. Upon what grounds, or what were the representations made to you as to benefit? A. That it might benefit me on account of Commissioner Sheehan being president of the club.

Q. And do you know of other cases where similar representations were made to police officials? A. No; I don't know as I could say that about others.

Q. Then these representations were made to you without regard to your politics? A. Yes, sir.

Q. This was known as a Tammany Hall club? A. Yes, sir.

Q. Of which Commissioner Sheehan was president? A. Yes, sir.

Q. Have you visited the club-house, captain? A. I was there about three or four times.

Q. You did not join because you thought that it would better your prospects or protect you in some way? A. Decidedly so.

Q. Is that not so? A. Yes, sir; that is so.

Q. Would you have joined, Captain Schmittberger, the Pequod Club, but for such representations? A. I would not.

Q. Did the political tendencies of that club agree with your political tendencies and principles? A. Well, to a certain extent; yes.

Q. You belonged to the same political party, did you? A. Yes, sir.

Q. But you say you would not have joined the club but for these representations that it would be beneficial to you, owing to the fact that Sheehan, a police commissioner, was president of the club? A. Yes, sir.

Q. Do you know of other police captains who belonged to the club? A. Yes, sir.

Q. Would you please name them? A. Captain Devery, Captain Price, Captain Schultz.

Q. Have you given us all? A. I think that is all the captains I can remember; there was quite a number of sergeants and patrolmen belonging to it.

Q. Captains Price, Devery and Schultz? A. When I say that those are the only ones, I mean that I have met them; there may be others belonging to it; I don't know.

Q. Did you ever hear, Captain Schmittberger, of the men, the policemen, being paid off in advance of their month in order that they could attend the outings of the Pequod Club?

A. No, sir; I never heard that.

Q. It was not the men of your precinct, regarding the outings of the Pequod Club — do you know anything about the tickets? A. Yes.

Q. Just tell us what you can about those tickets? A. I only attended one; I bought, I think, four or five tickets at \$5 apiece, and I invited some friends of mine to go with me to use those tickets; but I have heard of tickets being sold by police officials for that outing.

Q. Was it not a well-understood thing among the policemen on the west side of town to go around with these tickets and solicit storekeepers, particularly liquor dealers, to buy those tickets? A. Yes, sir; I even had one liquor dealer complain to me about it, who lived in the Thirtieth precinct, where a policeman came to him and wanted to make him buy more tickets when he was a member of the club himself and had bought tickets for himself.

Q. These tickets were \$5 each, I believe? A. Yes, sir.

Q. Is it not a common and notorious fact in that part of the city that tickets for the Pequod Club were, practically speaking, forced upon storekeepers, liquor dealers, etc.? A. So I have heard.

Q. Among the policemen? A. I have heard it from the people.

Q. And from the people who had to buy? A. Yes, sir.

Q. Now, during your three years' patrol duty in the old Twenty-ninth, now the Nineteenth, who was captain of the precinct at that time? A. Captain McCullough was captain when I was appointed.

Q. The elder or the younger? A. The elder.

Q. And what captain succeeded him? A. Captain Steers; after him Captain Williams; after him came Berghold; then Williams returned; then came Reilly.

Q. I mean now while you were patrolman? A. I was patrolman under Captain McCullough and Steers.

Q. Not under Williams? A. No, sir; well, I was a patrolman, but detailed as ward detective.

Q. Ward detective? A. Yes, sir.

Q. Under Williams? A. Under Williams and under Steers.

Q. Will you tell us what conversation took place between yourself and Captain Williams when he detailed you as special man, called the wardman, for that precinct? A. Captain Steers detailed me, not Captain Williams.

Q. You had been in that capacity when Williams took command of the precinct? A. Yes, sir.

Q. Did any special conversation take place between yourself and Steers when he detailed you? A. Not one word; it was a surprise to me; I was on patrol duty and was sent for; it was the day when the Stewart statue was unveiled in Madison Square park, and I was on duty down there, and I was sent to come to the station-house, and I was informed that I had been detailed as ward detective; previous to that I had been sent out many times in citizens' clothes about little odds and ends, to arrest prostitutes, and little petty larceny cases and so on.

Q. Special work? A. Yes, sir.

Q. When you were detailed as wardman there, was there any understanding regarding the protection of certain lawbreakers in that precinct, so far as the wardman was concerned? A. I want to explain that, Mr. Goff.

Q. That is what this committee is interested in? A. When I was detailed there, a man by the name of Dunlap was the detective; Dunlap attended to all that business; my business was with larceny cases, and whatever might happen in the way of crime; I was to ferret out and work on; I had nothing to do with disorderly-houses, or anything of that kind at all and without being told I simply minded my business.

Q. This Dunlap, he got into trouble in the department, did he not? A. He was put on post and afterward asked to be retired, and he was retired a short while, and he died.

Q. Are you aware of the fact that his being put on post was due to the action of Commissioner Fitz-John Porter, at that time a member of the police force, owing to certain charges made against him? A. I understood it was done at the time by the action of Superintendent Murray on account of some pool-rooms, which he permitted to run, but he was put on post twice, probably you refer to the first time; I think that was at the instance of Commissioner Porter; I think you are right upon that.

Q. Who took Dunlap's place? A. Price.

Q. Who is now captain? A. Yes, sir.

Q. Then the work that Dunlap performed in relation to disorderly

derly-houses and other houses violating the law was taken up by Price? A. Yes, sir.

Q. All that was his special work? A. His special work.

Q. Who appointed him wardman? A. Captain Williams — the board, at the suggestion of Captain Williams.

Q. Of course, that is the technical form "The board;" but the wardman was really appointed, on the selection of the captain, the recommendation of the captain? A. Yes, sir.

Q. Upon that point, Captain Schmittberger, has it not been the practice in the department, for captains to have their own wardman, as a general thing, I mean the selection of their own wardman? A. Yes, sir.

Q. Have you known of cases where wardmen were kept in precincts in spite of the captain? A. They are picked out by the captain; as far as my knowledge goes I don't know of any case where any man was kept in spite of the captain.

Q. Have you known of cases where a captain going into a precinct, finding the wardman there protested against that wardman, and wanted his own selection, and that he was overruled by the commissioners — I will take the case of Kelly and Captain Stephenson? A. Kelly was not the wardman.

Q. He was specially detailed? A. He was corporation ordinance man.

Q. Special ordinance man? A. Yes, sir.

Q. Take the case of Brennan, over in the Union Market precinct, and other cases throughout the city; I want now, having referred to these specific cases, to know, if you can tell us a case where captains, finding wardmen, or men specially detailed to certain work, protested against the continuance of those men, and that their protests were overruled by the commissioners? A. Well, I have heard of such cases, but I can not recall just the particular case; but I have heard of cases of that kind where the captains wanted other men and couldn't get them.

Q. You understand, captain, that your knowledge as an official of this department, and an officer who has gone through the grades, from patrolman up to captain, is of value to this committee, so far as you can base your knowledge upon your experience as derived from your work in the department — you understand my question? A. Yes, sir.

Q. While I travel somewhat ahead of the line of examination touching the various steps of promotion which you followed, yet while it is fresh in my memory, I wish to ask you touching

this Pequod Club; was it ever brought to your knowledge, captain, either through police channels or by citizens, that storekeepers, liquor storekeepers particularly, were compelled to buy from Louis Munzinger, the secretary of the Pequod Club his mineral waters? A. I have heard that.

Q. Is it not a fact, captain, from your observation and from your knowledge derived as captain of the precinct that in that region of the city the liquor dealers almost without exception used Munzinger's mineral waters? A. Yes, sir.

Q. Did you ever hear from any liquor dealers, or from any of your officers' reports from liquor dealers, that liquor dealers who refused to buy these waters were threatened with the vengeance of the Pequod Club and of Commissioner Sheehan? A. No; I don't know as I ever heard that, Mr. Goff, but I have had Munzinger come to me himself and ask me to interest myself on behalf of his mineral waters.

Q. In what direction did he ask you to interest yourself? A. To speak to certain liquor dealers, to see that they took his water.

Q. And did you do so? A. I did in one case.

Q. And obtain for him a customer? A. Well, he had it for about a week, then the man said his water was not as good as the one he had bought before, and he discarded him; that is a place on Eighth avenue and Forty-sixth street.

Q. Now, when Special Wardman Price was in charge of his particular department in that precinct there was a great many disorderly-houses flourishing there? A. Yes, sir.

Q. Will you give us, captain, the common understanding of the officers of that precinct at that time why so many disorderly-houses were allowed to flourish there? A. Because they paid for protection.

Q. Now, for instance, I will take the Haymarket; was that in operation while you were patrolman? A. Yes, sir.

Q. And Tom Gould's? A. Yes, sir.

Q. And all the other resorts and dives in the Tenderloin? A. Yes, sir.

Q. Another place that occurs to me; the Star and Garter, for instance? A. And the Newport.

Q. And the Buckingham? A. And the Empire.

Q. And the Cremorne? A. And the Fashion, and the Arion.

Q. And some others, captain? A. Yes, sir; St. Lawrence Hall.

Q. By the way there is a church there now? A. No, sir; theater.

Q. It was a church that succeeded St. Lawrence Hall, was it not? A. Yes, sir.

Q. Tabernacle? A. Yes, sir.

Q. That was a good conversion? A. And a mission in Cremona.

Q. All those places flourished? A. Yes, sir.

Q. Open all night? A. Open all night.

Q. There was no pretense of obeying the excise law in any of them? A. No, sir.

Q. And the disorderly characters, both male and female, frequented there? A. Yes, sir.

Q. I ask you now more than that if the thieves did not frequent those places? A. These dives were resorts for the criminals of the whole country, who came there to meet women, prostitutes; and that portion of New York was the center for the criminal classes.

Q. As it occurs to me now, I think Shang Draper's saloon flourished about that time? A. Yes, sir.

Q. And Billy Porter's? A. No; he didn't keep any saloon; he was killed there.

Q. He used to frequent there and was killed in Shang Draper's saloon? A. Yes, sir.

Q. Did Jimmy Irving's place flourish at that time? A. Yes, sir.

Q. That was the Empire? A. Yes, sir.

Q. Was there anything said, as far as you know, among the officers of that precinct why all these places were allowed to keep open and to flourish? A. Well, there was nothing said; it was perfectly well understood why, without anything being said.

Q. What was the understanding, captain? A. Well, that they were under protection.

Q. And who was the man to whom the money for protection went directly? A. Captain Williams.

Q. Now, from your knowledge as a special detailed officer in that precinct at that time, could it have been possible for these various places that have been named, and others that have not been named in that precinct to have openly conducted busi-

ness without the toleration of the captain of that precinct? A. It could not.

Q. Do you know of any cases, captain, where officers interfered with these saloons, or dives or houses, and were reprimanded for their interference? A. I can not recall any case where an officer interfered.

Q. What was the understanding among the officers on post that caused them not to interfere with the open violations of law and order committed in these various places? A. The officers on post are usually instructed by the wardman as to their action, as to what they should do in reference to certain places on their posts; and an officer generally thinks whatever instructions he gets from the wardman, taking it for granted that it comes from the captain.

Q. So, that if the wardman says to the officer on post, "You must not interfere with Jones and Smith," or in this case, "You must not interfere with the Empire or the Star and Garter, or the Haymarket, or the Cremorne, the St. Lawrence or the Buckingham, or any of these places," the officer on post would not dare to interfere with them? A. No, sir; would not.

Q. And what would be the penalty of his interference in case he was inconsiderate enough to interfere? A. His post would be changed.

Q. So that we have it that in every case the officer on post in the neighborhood of those places recognizes that his official existence almost depends upon his closing his eyes to the violations of law? A. Exactly so.

Q. Have you any recollection now, captain, of any officers that were foolish or thoughtless enough to put aside the instructions of the wardman and to interfere? A. No; I can not recollect any instance, not one instance, because these men are generally selected by the wardman and their names suggested to the captain as the proper man for that particular post.

Q. And when men so selected are put upon that post they understand why they are put there? A. They do, yes, sir.

Q. Now, captain, I ask you, have you ever heard of cases where the officer on post was instructed to co operate with the keepers of these places for the purpose of suppression of disorderly characters, or suppressing robberies for instance, or assaults committed in these places—you understand the purport of my question? A. Will you repeat that question?

Q. Have you ever heard of officer who were instructed to co-operate with the keepers of these disorderly places for the purpose of suppressing knowledge or notoriety of assaults or robberies, or outrages committed in these places? A. No; I don't know of any special instructions being given to officers in that respect.

Q. Do you know of special cases? A. No; I do not.

Q. Or of any case? A. The officers would know themselves what to do in cases of that kind; the officers would know themselves, they are selected for that particular post, and they understand without being told if anything of that kind happens in a protected place that they should not interfere.

Q. Am I right in assuming, captain, that in general the officer on post preferred to co-operate with the keepers of these disorderly-houses rather than the citizens that complained of any outrages committed upon them in these places? A. Well, I presume that was the case in some instances.

Q. In other words, those places were to be protected? A. Yes, sir.

Q. Do you remember, Captain Schmittberger, of a wardman being killed in that precinct? A. A wardman being killed?

Q. Or a special man, yes? A. There was an officer killed by the name of Coleman; that is the only one I remember.

Q. Was that officer specially detailed? A. I was not in that precinct at the time; that was during Captain O'Connor's time.

Q. That was after you left the precinct? A. Yes, sir.

Q. Who was captain of the precinct when Coleman was killed? A. Captain O'Connor.

Q. That subject has been spoken about among the policemen considerably, has it not? A. Well, not since I returned, it has become an old matter since I come back; I returned to the precinct only last December, that is a year ago; this happened quite some time ago, a couple of years ago, I guess.

Q. Don't you remember, captain, that there was a good deal of mystery attaching to the death of Coleman? A. Yes; I know there was; he was found dead on Seventh avenue.

Q. But his death was traced to a disorderly-house? A. He was killed in front of a disorderly-house, as I understood; but the disorderly-house was not in the Nineteenth precinct it was on the Twentieth precinct side.

Q. On the other side of the street? A. Yes, sir; Seventh avenue is the dividing line between the two precincts.

Q. There never was an inquest in the case? A. I don't know, I couldn't say; I don't know anything about the case, only just what I heard about it; I was not there at the time.

Mr. Goff.—As matter of fact, Senators, this case happened in the city of New York. An officer by the name of Coleman was killed in a disorderly-house, and there never has been an inquest or an arrest of any persons suspected of the crime, or any judicial inquiry whatever touching the cause of that officer's death.

Q. While you were special patrolman there looking after these special cases, were you at any time instructed by the captain to exact any tribute or money for protection or excuse on the part of any law-breaker? A. No, sir.

Q. And did you exact any? A. No, sir.

Q. Do you know of any cases where men accused of crime paid in order to be allowed freedom, or to have the matter hushed up; I am speaking now of the period when you were special patrolman as I call it? A. No; my specialty—I had nothing to do with business of that kind at all; I was attending to legitimate cases in the precinct.

Q. Then your duties were of a limited scope or nature? A. Yes, sir.

Q. Now, I find that on April 2, 1880, you were appointed to be roundsman? A. Yes, sir.

Q. In what precinct were you when you were promoted to be roundsman? A. In the Nineteenth precinct.

Q. What commissioner promoted you? A. Commissioner Wheeler.

Q. Had you to pay anything for your promotion? A. Not a cent.

Q. Were you asked or was it suggested to you? A. No, sir. I will tell you the reason why I was promoted.

Q. Tell us? A. I found Commissioner Wheeler's dog.

Q. You found his dog? A. Yes, sir.

Q. Now, I find up to the period of your promotion to the rank of roundsman that there had been five complaints against you; the first was that you were absent from post on August 25, 1874, and you were fined two days' pay; the second was failing to discover an open window on September 15, 1874, and you were fined five days' pay for that, for failing to discover an open window? A. Yes, sir.

Q. The third was neglect to go direct to station-house with prisoner on November 28, 1874, for which you were fined 10 days' pay; and the fourth was conduct unbecoming an officer, the complaint was dismissed; the fifth, the last one, was conduct unbecoming an officer, March 17, 1880, the complaint was dismissed; so notwithstanding your record it was a good one? A. I can explain all these times.

Q. I wish you would now take the first — absent from post. A. The first case was when I was a patrolman and when the police during hot weather wore Panama hats, straw hats, before the helmets came in fashion, and it was an extremely hot day, and about noon I put one foot inside of a butcher's shop, and asked the butcher to give me a cabbage leaf to put in my hat, as the sun was very hot and boiling; and the roundsman came along and claimed I was off post, and gave me this complaint; I was fined two days on that; I made that explanation to the commissioners, but was fined nevertheless; the second case was where the son of Mayor Havemeyer, who was away from home at that time; his house was vacant and the family was away in the country; they lived in Thirty-seventh street, near Sixth avenue; and the house next to it was being repaired, and some mortar was lying in the street; some boys came along and threw some of the mortar in the basement window of Mayor Havemeyer's house and broke the pane of glass; there was an iron grating on the outside and wooden shutters secured by an iron bar on the inside; the house was perfectly secured; but some lady who lived across the way, wrote a letter to Havemeyer that burglars had entered his house; and Havemeyer, post haste, came to the city, and immediately went to the station-house, and six men were put on trial for failing to report that pane of glass; and six of us were fined five days' pay apiece.

Q. Now, there was another complaint, the one that you neglected to go direct to the station-house with the prisoner for which you were fined? A. That was a case, I had made an arrest at the Everett House, as detective; the complainant was with me, and we went up Broadway; walking up Broadway to Thirtieth street; when we got to the Fifth Avenue hotel, the complainant requested me to wait two or three minutes, while he sent a dispatch to the United States commissioner who was to hear the case; it was a United States case; there turned out

to be nothing in the case; and the person who was arrested had some connection with the press, and he made a complaint against me; and they couldn't find what rule I had violated, but simply that I had waited three minutes with the complainant while he sent a dispatch, and I was fined 10 days' pay on that; and Commissioner Smith at that time voted to break me for it.

Q. The other two complaints, they being dismissed, of course, it required no explanation on your part, because it shows there were no grounds for the complaint; so that up to the time when you became a roundsman, notwithstanding your very good record on the police force, you were not able to obtain a promotion until you found this dog? A. I remained a detective; I never done any roundsman's duty.

Q. I understand you did not get any more pay for being detective? A. No, sir.

Q. You were ranked patrolman? A. Yes, sir.

Q. Now what breed was this dog? A. I don't remember.

Q. What particular or special value did the commissioner attach to the dog that he made you a roundsman for finding the dog? A. Well, he was always friendly to me anyway, the commissioner was; he lived in the Gilsey House at the time; and he came to the station-house very often to see the captain; and we were on very friendly terms; and I was looking for promotion; and the only way I could be made a sergeant was first to be made a roundsman, and when he asked me if he could do anything for me, I asked him to please make me a roundsman, and he did.

Q. While you were roundsman there in that precinct you had knowledge, as a roundsman, of the various disorderly resorts and houses in that precinct? A. Yes, sir.

Q. What were your specific duties as roundsman, captain? A. I never did any roundsman's duty, Mr. Goff; I just explained that I simply attained the rank; but I remained a detective, with the rank of roundsman.

Q. So that you did the detective duty that you have described? A. Yes, sir.

• Q. Have you any knowledge that while doing that detective duty that well known thieves were protected from arrest or interference in that precinct? A. For breaking the laws?

Q. Were allowed to frequent those places, to be undisturbed? A. Yes, they were allowed to frequent the places.

Q. Do you know of any understanding or arrangement between those thieves and burglars and so forth and the police authorities allowing them to frequent those disorderly places? A. Oh, no; there never was any understanding of that kind, I don't think, I never heard of it; these people came here, they flocked there as I stated before from all over the country; it was the center for all these people to congregate.

Q. I suppose, captain, that you have had some knowledge or experience as to using those thieves as stool pigeons in police work? A. Yes; you get information sometimes that way.

Q. Did any of them buy or purchase immunity, or had consideration from the police that they would not be disturbed on their promise to give information to the police touching the acts of other thieves and burglars? A. Not by me, and I don't think by any other detective in the precinct.

Q. Well, captain, in that precinct there were several places known as fences, well known fences; take for instance Simmon's place; was that there while you were roundsman in the precinct, on Seventh avenue? A. No, sir.

Q. Or Dock Holman? A. On Seventh avenue?

Q. Yes. A. Never kept any place of that kind on Seventh avenue; it couldn't have been on our side, might have been on the other; I don't remember any such place.

Q. For instance, did you ever hear of the son of Holman of liver-pad advertising fame—have you heard of him? A. No.

Q. Then he must be under an assumed name there; right upon that subject have you heard in recent years of a raid being made by Detective Armstrong upon a fence called "Doc Bliss?" A. Yes; Twenty-sixth street and Third avenue.

Q. It was formerly at Seventh avenue; while you were roundsman there did that fence exist? A. No, sir.

Q. That is of recent years? A. I was not in the precinct when that place was raided.

Q. You were not in the precinct? A. No, sir; that was there at the time Captain Reilly was there.

Q. That was raided from headquarters? A. I believe it was.

Q. By one of the men from headquarters? A. Yes.

Q. You had no knowledge of the transactions of that raid? A. No, sir.

Q. You did not perform the duties of roundsman as it is ordinarily understood, you simply held the rank of roundsman and performed the duties of detective in the ward? A. Yes, sir.

Q. Can you tell us anything of the relations of the ordinary roundsman to patrolman; this all goes to the information of this committee and to the discipline of the department? A. Well, the roundsman, they have favorites.

Q. Have you heard of any consideration being accepted by the roundsman for his favoritism? A. Not that I can remember; it is possible—you mean financially?

Q. Financially? A. No; I don't know as I ever did.

Q. While you were ranked a roundsman from April 2, 1880, to March 6, 1883, that was about three years, the same condition of affairs existed in that precinct regarding the disorderly-houses and resorts of thieves and abandoned characters? A. Yes, sir.

Q. Who was captain all that time? A. Captain Williams, Captain Berghold and then Captain Williams.

Q. Do you remember, captain, of any protests being made by residents of the district against the existence of the disorderly-houses and resorts? A. Yes, sir.

Q. Do you remember of any conversations having been had in the station-house or any other place among the officers relating to these complaints? A. Yes, sir.

Q. What were those conversations? A. Well, there was an association formed in Twenty-seventh street at the time by the business men and citizens, who protested against the existence of the French prostitutes there, and French houses of prostitution; and especially a man by the name of O'Malley was very active in the suppression of these houses.

Q. He was a plumber, I think, was he not? A. Yes, sir; and he came to the station-house one night, and there was a row between him and Captain Williams; what the origin of it was I don't know, but I know there was a row; he insisted on these houses being broken up; and the captain told him to get out, or something of that kind; there was a friction, very large one, between the two men.

Q. He got no satisfaction? A. That is about it.

Q. The houses were not broken up? A. Not right away.

Q. There were some men that came in there and complained that their families could not even cross the street without being insulted by reason of these houses? A. I guess that is true; I have been solicited there myself, and I was the ward detective.

Q. Did you report that? A. Yes; and I arrested them.

Q. What became of the arrest? A. They were fined; French women used to stand out in front of the railing in front of their houses and pull every man in as he went through the street.

Q. Now, Captain Schmittberger, the action of that society gave considerable notoriety at that time in the newspapers, do you remember? A. Yes, sir.

Q. Do you remember Williams threatening to club the members of that society out of his precinct; but not the houses of ill-fame? A. Well, I saw it in the newspapers at that time; I don't know as I heard him say that himself, but, I think, it was in the newspapers; I think they went to headquarters even and complained, if I remember aright.

Q. Do you remember hearing any expressions from him on that subject? A. Not any more than after the complaints were made; I think he sent me down two or three times to see and drive the women off the street and try to keep them within bounds.

Q. Keep them in order? A. Yes, sir.

Q. Keep them in bounds so as to stop those complaints? A. Yes, sir.

Q. Not to stop their vocation or their living at all, but not to give opportunity for these complaints, that was the idea, was it not, captain? A. Yes, sir.

Q. You never received orders from the captain of the precinct to extirpate those houses or those women from that precinct? A. No, sir.

Q. Drive them away? A. No, sir.

Q. But simply to try and have them run low, is that it? A. That is it.

Q. So as to save him trouble? A. I presume that was the reason.

Q. Do you remember Emil Patel? A. Yes.

Q. Two houses there in West Twenty-seventh street? A. Yes, sir; 102 and 104.

Q. Off Sixth avenue on the south side of the way? A. Yes, sir.

Q. That was a notorious place, was it not? A. Yes, sir.

Q. Did you ever hear that house called the captain's house? A. No.

Q. Did you ever hear of that house having an art gallery for exhibition where men about town and strangers visiting

New York were taken to look at those pictures? A. No, I don't remember that; I thought I knew all the art galleries in the Tenderloin; I never heard of that; it is possible.

Q. We will call it an album of French pictures? A. Oh, yes; album, there were French pictures there, yes, sir.

Q. We simply misunderstood each other about the term art gallery; that was a notorious thing, was it not, captain, that people were brought there every night to see this album of French pictures? A. Yes, sir.

Q. And with the knowledge of the police? A. Well, I guess they all knew about it, it was common property, everybody knew it.

Q. Did you ever hear or know of Captain Williams taking guests there himself to see the sights of the Tenderloin? A. No, sir.

Q. That house of Patel's was under protection the same as all the rest, I suppose? A. Yes, sir.

Q. Patel's has been closed now for some time, has it not? A. The house does not exist any more; there is a mission there now.

Q. He is in Switzerland? A. I haven't seen him for years; I don't know where he is.

Q. Now, we come to your promotion as sergeant on March 6, 1883; now, captain, when you were promoted to the rank of sergeant did you pay anything for the promotion? A. Not a cent.

Q. Were you asked? A. Never.

Q. Who promoted you, what commissioner? A. Commissioner French and Commissioner Matthews were the prime movers in my promotion; I was made, not by any particular commissioner, but by the full board, in my case.

Q. What particular element was there in your case? A. I had received honorable mention twice, and had made a very important arrest where a man shot at me, a noted burglar; I arrested him and the matter was brought to the attention of the commissioners by the captain, and I was sent for and there was a vacancy at the time existing and I was made sergeant; I arrested the burglar by the name of Michael Dodell at the time.

Q. When you were made sergeant, did you remain in that precinct? A. Yes, sir.

Q. And what were your duties as sergenat? A. To do desk duty and patrol when it was my turn to patrol — patrol the precinct.

Q. Had you anything to do with the designation of men whose duty it was to look after these disorderly-places? A. No; the captain always did that himself.

Q. The captain attended to that? A. Yes, sir.

Q. At that time when you were sergeant did the law permit you to accept bonds? A. Yes, sir; a portion of the time; I think that law was passed the last year I was a sergeant.

Q. Were there not men there who were known as professional bondsmen and whose bonds were always accepted at the station-house? A. Well, there were men there whose bonds were accepted; yes, sir.

Q. But they were known as what we will call stand-bys? A. No; they happened to be living in the vicinity of the station-house and people would send and get them.

Q. Do you know of any money having been paid to these bondsmen for the acceptance of their bonds? A. No; I do not.

Q. How long did you remain as sergeant of that precinct? A. I was made sergeaht in 1883, was it not?

Q. Eighteen hundred and eighty-three, March 6? A. I remained there until 1890.

Q. That is December 8, 1890? A. Yes, sir.

Q. When you were made captain? A. Yes, sir.

Q. Now, Captain Schmittberger, as to your appointment as captain, what commissioner appointed you? A. Commissioner Voorhis.

Q. Did it cost you anything? A. Not one red cent.

Q. Did you have to pay any money or any consideration whatever? A. I paid nothing; I had just five minutes conversation with Commissioner Voorhis previous to my appointment; I was at the head of the civil service list; I had made the highest percentage out of 35 or 38 candidates, and I thought I had a right to some claim to the vacancy, and I went to see Commissioner Voorhis at headquarters and he told me then he was a very busy man, if I could tell him anything about myself which he didn't know he was willing to hear it, but if I had nothing new to tell him he hadn't time; that he would take every candidate's chances into consideration and he would appoint whom he thought to be the right man; I never knew anything about it until the day I was appointed.

Q. You can say under the solemn obligation of your oath that you did not pay one dollar in consideration of your appointment as captain? A. No, sir

Q. Nor were you asked for it? A. No, sir; I want to say right here I believe Commissioner Voorhis to be a thoroughly honest man; I don't believe those stories told about him, about his having received money for appointments, because I know it did not cost me one cent, and the question was not broached in any shape or form; and I judge from that.

Q. Judge from your own case with regard to Voorhis? A. I do; yes, sir.

Q. So you can say now, Captain Schmittberger, that when you were appointed captain you were appointed solely on your merits? A. Yes, sir.

Q. And for no other consideration? A. I do really believe that; yes, sir.

Q. Did you seek to use any political influence in the matter? A. I used some influence, yes, sir.

Q. Just tell us to what extent? A. I had Mr. Ottendorfer, the editor of the New York Staats Zeitung, who interested himself in my behalf; he saw Commissioner Voorhis; Herman Oelrich, he interested himself very much, and several others, who wrote letters to the commissioner recommending my appointment; and I presume all that had some influence with Commissioner Voorhis.

Q. To what precinct were you assigned? A. Twenty-eighth, steamboat squad.

Q. That was the first precinct you commanded? A. Yes, sir.

Q. Now, captain, when you were assigned to the steamboat squad, you became aware of a custom that had prevailed in that squad of policemen receiving gratuities from the various steamship companies and dock occupants or lessees for their services on the dock, did you not? A. Yes, sir.

Q. How did you become aware of it, we would like to get at how the matter was made known to you? A. Detective Vail told me.

Q. Robert Vail; he has testified here; now, what did he tell you? A. He told me it had been customary for years for the captain to get half of what the men were getting.

Q. Did he tell you that he had been collector? A. He did.

Q. When you were appointed captain of that precinct, known as the Thirty-seventh, was there any understanding either

expressly or impliedly that you were to collect any money and pay over any money to any one on account of your captaincy?

A. No, sir.

Q. When Vail told you this did you understand that you were expected to reap any benefit outside of your salary from occupying the position of captain? A. That is what I understood.

Q. Will you please give this committee the reason for your understanding, give us the whole matter, how that question was created in your mind? A. Detective Vail told me that he had been collecting for Captain Gastlin and for Sergeant Taylor, who had been appointed after Captain Gastlin's retirement, that the men on some of the docks gave up half of what they got to the captain; I told Vail that I didn't care about it, a thing of that kind; he said, "You damned fool, if you don't do it, you might as well get it as well as the others;" Detective Vail was here questioned and he stated I told him I wanted all, and I wanted to brand that as a lie right here.

Q. Putting that aside for the present, captain, did you agree with Vail to continue the practice that had prevailed there?

A. Yes, sir.

Q. You told him to go on and do the collecting? A. Yes.

Q. Each month while you were there in the precinct, how much money did Vail bring you on the average? A. He was only there two months.

Q. How much did he bring you for each of these two months?

A. I think it was about \$180 a month, something like that—\$190.

Q. Did you give him anything for collecting it? A. I did.

Q. How much? A. Twenty per cent.

Q. Did he tell you that that had been the practice? A. He did.

Q. Now, captain, at this time, in the history of your service of the police department when you became captain, was it an understood thing, and a matter of common understanding among the captains of the various precincts that they were to take advantage of any opportunity that presented itself to make money out of their respective precincts? A. Certainly.

Q. Was that the custom universally? A. Universally.

Q. Had you any opportunities to make money outside of this money contributed by the men or paid by the men? A. No, sir.

Q. Your precinct consisted of the dock, the water front? A. Yes, sir.

Q. Now, after he left, you say he was there two months, who succeeded him as special detective or collector? A. Gannon.

Q. Did you appoint Gannon? A. No; he was on what they call the special steamer's squad; we had a squad of 15 men there who attended to the European steamers alone, without doing any regular dock duty; he belonged to that squad.

Q. Did you designate him as the successor of Vail? A. Yes, sir.

Q. Just tell us how you designated him, captain? A. I simply told him to put on citizen's clothes and do duty along the river.

Q. Was there anything said to him about these monthly collections from the men? A. He had been detective under Gastlin, years before, and I simply reinstated him in his old position, after Vail left.

Q. So it was an understood thing? A. It was.

Q. He understood his duties when you reinstated him, that is, his duties as to these collections? A. Yes, sir.

Q. Did he make those collections every month? A. Yes, sir.

Q. While he was in that capacity? A. Yes, sir.

Q. Now, about the payment of the 20 per cent., captain; was that deducted by the wardman before he gave you the money, or did you give him the money after he gave you the gross sum? A. Gave him the money after he gave the gross sum.

Q. Did the payments take place, generally, in the station-house? A. Yes, sir.

Q. Did you have a list of the men and their amounts? A. Yes, sir.

Q. Each month? A. Yes, sir.

Q. So that you knew how much he should collect? A. Yes, sir.

Q. How much he was entitled to and how much you were entitled to? A. Yes, sir.

Q. How long did you remain in command of that squad? A. Thirteen months.

Q. Was Gannon your collector during the balance of your command? A. Yes, sir.

Q. Now, during that time, Captain Schmittberger, did you pay any part of the money that you collected from the men of your command to any other police official? A. No, sir.

Q. Were you ever asked? A. No, sir.

Q. Was it ever suggested to you? A. No; I don't think so.

Q. Had you ever any talk or conversation with any police official touching this subject of money being paid by the steamship companies to the police? A. I had a conversation with Inspector Steers when I went down there.

Q. What was the conversation, captain? A. He was the inspector of the district at the time, and he told me there wasn't hardly anything in the precinct, that he didn't expect anything, or he didn't get anything.

Q. That he didn't get anything? A. Hardly anything in it; yes.

By Chairman Lexow:

Q. Just give the words as nearly as you can, or conversation? A. He said he didn't expect anything from me, as there wasn't anything in the precinct.

By Mr. Goff:

Q. I was in error when I repeated the words that he didn't get anything? A. He didn't get anything, I didn't give him anything.

Q. So that whatever you took in that precinct, captain, from the men, you kept yourself? A. Yes, sir.

Q. Were there any other sources of revenue to you as captain of that squad? A. No, sir.

Q. That was the only source? A. The only source.

Q. That was not looked upon as a particularly attractive station, was it? A. It was not.

Q. You endeavored to get out of it as quickly as possible? A. Yes, sir.

Q. Did you make application? A. No; I didn't make application, but I requested Commissioner Voorhis to try and send me up town if he could, the first opportunity; there was a deadlock in the board at the time and there hadn't been any transfers made for some time, and I wanted to get further up town to where I lived; I lived in Mount Hope, One Hundred and Seventy-third street at the time, and I was anxious to be on duty somewhere in the upper part of the city so as to be nearer home; it was a long journey to live at one end, away up at Tremont, and to go down to Pier A.

Q. Were you removed, Captain? A. I was transferred.

Q. To what precinct? A. Twenty-fifth.

Q. What station-house? A. Sixty-seventh street, near Third avenue.

Q. Now, when you were transferred to that precinct, the Twenty-fifth, did you pay any person any money in consideration of that transfer? A. Not a cent.

Q. Or did you promise to pay? A. No, sir.

Q. Was any asked of you? A. No such thing ever mentioned; there were quite a number of transfers made that day and I was one of the men transferred; there was quite a shake up.

Q. While you were in the command of that precinct, we want to understand the condition of affairs in that precinct, who was your wardman? A. When I came there Campbell and Martin were the detectives.

Q. Campbell has been on the stand here? A. Yes, sir.

Q. Did you have any conversation with the detectives as to their particular duties or as to what they should do? A. No; they were commanded to patrol duty about a week after I was there; I had no confidential relations with them at all.

Q. Did you then have a man appointed with whom you held confidential relations? A. Yes, sir.

Q. Who was that man? A. Gannon.

Q. Now, did you appoint Gannon from that squad or from that precinct, or did you have him taken from another precinct? A. I had him transferred and brought there.

Q. From what precinct? A. From the steamboat squad.

Q. That was a common practice among the captains to have their own wardmen? A. Yes, sir.

Q. And he was recognized as the captain's confidential man? A. Yes, sir.

Q. Practically speaking relieved from active police duty? A. Yes, sir.

Q. And whose principal duty it was to make what are known as the collections in the several precincts to the captain? A. Yes, sir.

Q. When you had Gannon transferred, did you have a conversation with him relating to what collections might be made in that precinct? A. Yes, sir.

Q. And what lines were laid out, what fields were indicated; where collections could be made? A. There was nothing there only policy-shops.

Q. About those policy-shops did you ascertain the number? A. Yes, sir.

Q. How many were in that precinct at that time, do you remember? A. About 10, I guess.

Q. And how much did you determine that they should pay, captain? A. Twenty dollars a month each.

Q. Was that the established custom? A. Yes, sir.

Q. Give us your first knowledg of that custom, how it became known to you the policy-shops were to pay \$20 a month? A. The policy-shops all there in the precinct and in the upper part of the city are under a man by the name of Parker, and if I remember right, Parker came to the station-house and saw me, and told me how many shops he had in the precinct; that was all; and he was introduced to Gannon, and Gannon did the rest.

Q. Was it an understood thing with this Parker that the policy shops in that precinct should have the exclusive privilege to have policy shops in that precinct? A. No; there was no understanding of that kind; but there were no other people there that had any, I believe.

Q. He was the only one? A. Yes.

Q. I would like to know how the \$20 a month were fixed, captain, how that sum was agreed upon? A. I guess that is an old price; I guess that is understood for years, long before my time.

Q. Was that agreement made with Parker? A. Yes, sir.

Q. Either with yourself or with Gannon? A. Gannon.

Q. Was there any other sources of collecting except the policy shops in that precinct? A. There was the liquor dealers' organization there, Bohemian Liquor Dealers' organization; they contributed about \$80 a month, I think.

Q. Any other sources, captain? A. No; that is all.

Q. Now, of the money that was paid of the policy shops and of the money that was paid by the Bohemian Liquor Dealers' association, how much did you receive? A. Well, all but 20 per cent.

Q. That was the recognized thing, was it? A. Yes, sir.

Q. That is the recognized thing in all the precincts? A. I guess so.

Q. So far as you know? A. Yes, sir.

Q. And so far as the police knowledge goes? A. Yes, sir.

Q. About what was the sum that you collected there every month, after paying Gannon his 20 per cent.; there were 10 policy shops, that would be \$200? A. Yes.

Q. Then there was \$80 from the Bohemian Liquor Dealers' Association? A. Take 20 per cent. off that.

Q. Twenty per cent. off that — were those the only sums, captain? A. Yes, sir.

Q. Were there any disorderly-houses in that precinct? A. No, sir.

Q. By the way, did you ever hear of the gyp business — you know what I mean? A. Yes, sir.

Q. That is a fraudulent horse trade? A. Yes, sir.

Q. Did it flourish in that precinct? A. No, sir; not in my time; there was a horse market there at Seventy-second street and East river

Q. Now, while you were captain of that precinct and in receipt of that money every month, did you give any part of that money or of any money to any other police official? A. I did.

Q. You did? A. Yes, sir.

Q. To whom did you give it? A. Inspector Williams.

Q. To Inspector Williams; was Williams the inspector of that inspection district? A. Yes, sir.

Q. That precinct was within his jurisdiction as inspector? A. Yes, sir.

Q. Will you please tell us how it was first arranged between Williams and yourself that you should give him a portion of the money collected by you in that precinct? A. I succeeded Captain Gunner, who had been retired; the first day I went to the station-house Captain Gunner came in to get some things belonging to himself in the office; Captain Gunner and I had a confidential talk as to how much he had give to the inspector.

Q. Just tell us the talk, if you please, captain? A. I asked Captain Gunner how much did you give to the inspector; because I don't want to give any less than you have given, and Captain Gunner told me what he had given.

Q. What did he say; how much? A. He said he sent \$50. sometimes \$75, just as he felt; between \$50 and \$75 a month to the inspector.

Q. And Williams was the inspector at that time? A. He also told me how he did it.

Q. Williams was the inspector at that time? A. Yes, sir.

Q. You were going to say? A. He told me that he had put this money in an envelope and given it to Campbell, that Campbell had given it to Sergeant Price in Inspector Williams' office.

Q. Sergeant Price who is now captain? A. Yes, sir; I know him; Williams didn't think that I needed any intermediate person, I went directly to him and handed him the money.

Q. The first time? A. The first time.

Q. How much did you hand him, captain? A. Fifty dollars.

Q. Did you say anything to him when you handed it to him?
A. No, sir.

Q. Did he say anything to you? A. No, sir.

Q. Placed it in an envelope? A. Yes, sir.

Q. And handed it to him without a word? A. Yes, sir.

Q. In his office at headquarters? A. In his office at headquarters.

Q. Now, was any person at that time cognizant, or had any person knowledge of the money that you gave to Williams? A. Not as I know of.

Q. Did you have any talk with the wardman in reference to paying the inspector? A. Oh, yes; he knew of it.

Q. He knew of it? A. Oh, yes; that is, I don't know, but he knew the inspector got something.

Q. Did you ever have a talk with Captain Campbell about that? A. With Campbell.

Q. With Gannon I should say? A. Oh, yes; I think I had a talk about it; he knew the inspector had to get something.

Q. Do you remember the conversation? A. No; I can not recall the exact conversation, but I know that we talked about it, that he knew of it.

Q. Now the balance of this money that you collected every month, did you bank it along with your salary? A. No; I don't think—I might; I don't know; I used it as I went along, I guess; I don't remember that I banked it.

Q. Did you have a bank account at that time? A. Yes; I guess I did; I ain't sure now; I think I did.

Q. How long did you remain in command of the Twenty-fifth precinct? A. Three months.

Q. Did you pay to Inspector Williams each month while you were there money? A. Yes, sir.

Q. The same amount? A. I think I gave him \$100 one time.

Q. One month? A. Yes, sir.

Q. What circumstances existed for you to give him \$100 instead of \$50? A. Well, I don't know; I thought it was due to him; I thought \$50 was rather small.

Q. You thought it was prudent, is that it? A. Yes, sir.

Q. When you say you thought it was due to him, you thought it was prudent for you to give it to him? A. Yes, sir.

Q. Now, captain, we want to have you place upon the record here why you gave part of the money collected by you to Williams as the inspector? A. Well, it was in Williams' power to send men up there to raid those policy shops over my head; to prevent him from doing that; of course, upon consideration of receiving that sum of money every month he wouldn't do it.

Q. So that in order to enable you to derive the profit or advantage from these policy shops doing business in that precinct you divided the proceeds with your superior officer, the inspector? A. Yes, sir.

Q. Now, with regard to the inspector being able to send men up there to raid those policy-shops the inspector had no men under his immediate command, had he? A. Oh, yes; he had a roundsman and a sergeant.

Q. On his staff? A. Yes; and he had authority to take men from any other precinct and send them there if he wanted to.

Q. He also had authority to draw upon headquarters, had he not? A. Yes, sir.

Q. Or to report the matter to headquarters? A. Yes, sir.

Q. Now we have it, that this money was paid to him in consideration that he would allow you to permit these policy shops to continue in their business in violation of law? A. Yes, sir.

Q. Was that the consideration? A. That is it.

Q. This you know, that you gave to Williams every month a part of the identical money that was contributed by these policy shops and liquor dealers? A. Yes, sir.

Q. You didn't change the money? A. No, sir.

Q. Was it an understood thing in the department that the money should go in bills wherever money was to be paid in the manner that you have perscribed? A. Oh, yes.

Q. In bills? A. Yes.

Q. So as to leave no trace? A. Yes, sir.

Q. Or possibility of detection; is that so? A. Yes, sir.

Q. During your three months in the Twenty-fifth precinct did you pay any money to any other police official except Inspector Williams? A. No, sir.

Q. Were you called to account by any police official for the existence of those policy shops in your precinct? A. No, sir.

Q. Speaking of the Bohemian liquor dealers, is it a fact that the money they paid was paid in consideration of their being allowed to sell on Sundays? A. Yes, sir.

Q. To violate the excise law; what three months were you in command of that precinct? A. What three months?

Q. What three months of the year? A. From the 7th of January, 1892, until April, when the general transfer took place of all the captains; I think that took place on April 13, 1892.

Q. During the time that you were in command of the Twenty-fifth precinct did you make reports to headquarters touching the existence of disorderly-houses, gambling-houses, etc., in your precinct? A. Yes sir.

Q. Did you in these reports that you made to headquarters set forth the existence of the policy shops you have mentioned, the 10 policy shops? A. No, sir.

Q. To whom were those reports handed? A. To the inspector.

Q. Can you tell if the inspector outside of receiving money from you had any knowledge of the existence of those policy shops in your precinct? A. I couldn't say that; he knew there were policy shops there.

Q. Tell us, please, how he knew? A. Well, I presume he knew; he must have known.

Q. You assume that he knew because he had the opportunity of knowing; is that it? A. Yes, sir.

Q. And it was in his power to find out irrespective of you? A. Yes sir.

Q. It was his duty to find out, was it? A. I guess so.

Q. Was it also his duty to discover whether or no you permitted these policy shops to exist in your precinct? A. Yes, sir.

Q. And what was his duty under those circumstances? A. To raid the places.

Q. And what to do in regard to you? A. To prefer charges.

Q. Prefer charges against you? A. Yes.

Q. Those policy shops were never raided? A. No, sir.

Q. And no charges were ever preferred against you? A. No, sir.

Q. By the inspector; could policy shops exist in that precinct without the knowledge of the captain? A. For a while, yes.

Q. Well for a short while? A. For a short while.

Q. Very short while? A. Yes.

Q. I assume, for instance, that if you were there unhampered by any custom or not having any interest in these policy shops running, you could have suppressed them? A. Yes; you could drive them from one place to another; you could never entirely suppress policy.

Q. You could keep them on the move? A. Yes, sir.

Q. And prevent them from deriving the immense profits from their business? A. Yes, sir.

Q. Did the inspector ever talk with you as to the enforcement of the law against policy-shops in your precinct? A. No, sir.

Q. Or against the violations of the excise law? A. Yes; he used to tell us to make excise arrests; we were instructed nearly every week to make excise arrests, enforce the excise law.

Q. Well, what was your understanding of those instructions? A. Oh, there were no particular instructions given any more than general.

Q. General instructions? A. Yes, sir.

Q. Well, inasmuch as you were accepting money, for instance, from the Bohemian Liquor Dealers' Association, you made up your mind that these instructions were not to be carried out to the letter; is that it? A. Yes, sir.

Q. They were merely given, as it were, to obey the law so far as expressions were concerned, but in reality it was an understood thing that you were not to obey the law or to carry it out? A. Yes, sir.

Q. And in order to protect yourself for not obeying the law you gave this sum of money that you have testified to, every month to Inspector Williams? A. Yes, sir.

Q. You thought as long as you gave this money to Inspector Williams, that you were safe? A. I was safe, as far as he was concerned.

Q. As he was concerned? A. Yes, sir.

Q. Did you have any connection with or anything to do with the liquor dealers while in that precinct, outside of Bohemian liquor dealers? A. No; not as I remember.

Q. Where did you go after leaving the Twenty-fifth? A. Twenty-seventh; Eighty-eighth street.

Q. That is down near the river? A. Yes, sir.

Q. Down near Avenue A, I think? A. Yes, sir; between Avenue A and Eastern boulevard.

Q. How did you come to be transferred? A. All the captains were transferred except one.

Q. Who was the one? A. Captain Smith.

Q. Smith, of Sixty-eighth street? A. Yes, sir.

Q. He was the only captain that was exempted? A. Yes, sir.

Q. That was what was known as the general shake up? A. Yes, sir.

Q. What was the cause of that shake up, so far as you know? A. It was after Superintendent Byrnes was made superintendent.

Q. Who was superintendent while you paid this money to Williams? A. Superintendent Byrnes was acting superintendent.

Q. But Muarry was in fact the superintendent? A. Yes, sir.

Q. When you went to Eighty-eighth street, how long did you remain in command of that precinct? A. I remained there from April until the following December.

Q. What collections were made in that precinct? A. There was some policy-shops there and some pool-rooms; that was all.

Q. How much did they pay? A. Well, altogether about \$900 a month; about \$800 a month.

Q. Could you give us the number of policy-shops, because we want to be exact as we can; can you give us the number of policy-shops and the number of pool-rooms that were in that precinct? A. I think there were about 10 policy shops and about three pool-rooms.

Q. Do you remember where the pool-rooms were situated? A. Yes, sir.

Q. Please tell us their location? A. There was one in Eighty-sixth street, there was one on Third avenue, corner of Eighty-fifth street, and another one in One Hundred and Sixth street.

Q. One Hundred and Sixth street and where? A. Near Third avenue.

Q. Can you tell us how much those pool-rooms pay? A. Two hundred dollars a month.

Q. Two hundred dollars a month each? A. Yes, sir.

Q. Who was your wardman there? A. Gannon.

Q. You had him transferred with you to your new precinct? A. Yes, sir.

Q. Now, as a matter of fact, at the time of that shake up nearly all the captains transferred their wardmen with them to their new precinct, did they not? A. The most of them.

Q. Within a very short time after the transfer of the captains?
A. Yes, sir.

Q. When you got into the new precinct of course, you told Gannon to proceed in the usual way that had been proceeded in by his predecessor from the Twenty-seventh? A. Yes, sir.

Q. Were you visited by Parker again? A. Yes, sir.

Q. That is in the Twenty-seventh? A. Yes, sir.

Q. Did he tell you the number of places he was running? A. Yes.

Q. And their locations? A. Yes, sir.

Q. You took a list of them? A. Yes, sir.

Q. How about the pool-rooms; how did you find out about those or how did you reach an understanding with them? A. I think they came to see Gannon, if I remember right; they came to see Gannon, the proprietors.

Q. Do you remember the names of the proprietors? A. No, I don't; I don't know any of them personally.

Q. Gannon reported to you of course? A. Yes, sir.

Q. Did they say or was it reported to you that they had said what the arrangements had been before you went there? A. Oh, yes; the same arrangement had been.

Q. What captain preceded you there? A. Captain Carpenter.

Q. He is retired now? A. Yes, sir.

Q. Did you give Gannon instructions to continue the same arrangements? A. Yes, sir.

Q. Now, outside of the policy shops and the pool-rooms were there any other source of collections there? A. No, sir.

Q. How about the liquor dealers? A. Didn't touch them.

Q. Why did you not touch the liquor dealers? A. Well, I didn't want to; I didn't want to have nothing to do with them.

Q. What year was that in? A. Eighteen hundred and ninety-two.

Q. Was there any understanding? A. There had been trouble before between Captain Carpenter and the liquor dealers there, and I was told that Captain Carpenter had been transferred on account of it.

Q. On account of his interference with the liquor dealers? A. No.

Q. Or trouble with them? A. On account of the trouble he had with them; I found the same trouble afterwards.

Q. Was it not an understood thing then that the liquor dealers had made their peace with the police through Tammany Hall? A. Yes, sir.

Q. And that instead of paying directly to the police they should pay Tammany Hall; was not that the understood thing?
A. Well, that was the understood—I don't know whether that was really so or not, that is what I heard.

Q. I am asking you for the reason for your non-interference?
A. Yes, sir.

Q. That is your reason for your non-interference? A. Yes, sir.

Q. Now, from what parties did you receive that information or derive that impression or knowledge? A. I don't know as I ever received any particular instructions about it, but I made up my mind myself to have nothing to do with the liquor dealers.

Q. Did you not know as a matter of common knowledge and notoriety, apart from your personal knowledge, that before that period of time the liquor dealers had to pay in the several precincts? A. Oh, yes.

Q. Wasn't that so? A. Yes, sir.

Q. Did you not know also that a change had been effected, instead of paying to the police the liquor dealers should give some support, political or otherwise, to Tammany Hall? A. Yes, sir.

Q. And should be relieved from paying money to the police?
A. Yes, sir.

Q. That was a matter of common knowledge in the department? A. Yes, sir.

Q. Did you ever hear how that arrangement was entered into or effected? A. No, sir.

Q. Did you understand that the Liquor Dealers' Association had taken very advanced grounds upon that subject and refused to pay to the police unless Tammany Hall would guarantee them protection? A. Well, I saw that in the newspapers.

Q. Then it was a matter of common knowledge? A. Yes, sir.

Q. And you decided that discretion was the better part of valor under the circumstances—to let them alone? A. Yes, sir.

Q. Not only from what you heard in the department and what you saw in the newspapers, but from your knowledge of its effect upon your predecessor, Captain Carpenter A. Yes, sir.

Q. Now out of these \$800 a month, or so that you collected in the Twenty-seventh precinct, did you give any part of that money to any police official? A. Yes, sir.

Q. How much? A. Twenty per cent. to Gannon and about \$200 a month to Inspector Williams.

Q. Did you pursue the same method with regard to delivering that money to him every month as you had while in command of your previous precinct? A. Same method.

Q. Went down to headquarters every month? A. Well, sometimes he would call at the station-house and I would give it to him; sometimes I would take it to headquarters.

Q. In giving him this money, this \$200 a month while you were in command in that precinct were there any words uttered at all by you and by Williams at the time that you handed this money over to him? A. No; I would simply say, "Here is something for you," and he would take it; there would be no talk made about it.

Q. Was there ever any conversation between you looking to his ascertaining how much you were collecting in the precinct? A. Well, there may have been; I don't remember; there may have been; I can not remember that; of course, he knew there were pool-rooms there, and he knew how many.

Q. How did he know? A. Oh, I knew he knew.

Q. Did you ever talk with him about that? A. Well, he knew the pool-rooms were there.

Q. They couldn't have existed there very long without his knowledge? A. No, sir.

Q. And if you fail to suppress those pool-rooms it was his duty to compel you to perform your duty? A. Yes, sir.

Q. He was the officer immediately charged with that duty? A. Yes, sir.

By Chairman Lexow:

Q. That was the same inspection district? A. The same inspection district.

By Mr. Goff:

Q. It was part of Williams' duty, as inspector of that inspection district, to ascertain for himself whether or no the captains in the several precincts performed their duty? A. Yes, sir.

Q. And was it not also his duty to ascertain if there were open violations of law in the several precincts? A. Yes, sir.

Q. And notwithstanding your reports to him to the contrary, was it his duty to see for himself and ascertain whether or no there were open violations of the law in that precinct? A. He

was responsible for his district the same as I was for my precinct.

Q. So that even if you made false reports to him about the existence of such places in the precinct he was not bound by those reports? A. No, sir.

Q. It was his duty to go further and ascertain for himself whether or no the law was enforced in the respective precincts, was it not? A. Yes, sir.

Q. And touching these three pool-rooms, for instance, did they do business openly? A. They were in the rear of saloons.

Q. But it was a matter easily ascertained? A. Oh, yes.

Q. Public saloons there? A. Yes, sir.

Q. And there was no great pretense at secrecy? A. No, sir.

Q. Anyone could go in there? A. Yes, sir.

Q. So that it was a matter of common notoriety in the neighborhood? A. Yes, sir.

Q. That these pool-rooms existed there? A. Yes, sir.

Q. And if the inspector in the pursuance of his duty had performed his duty and had gone in the neighborhood where these pool-rooms were he could have ascertained the existence of these pool-rooms, could he not? A. Yes, sir.

Q. And if he had ascertained the existence of those pool-rooms what was his duty in the premises? A. To obtain evidence and arrest the proprietors.

Q. And what was his duty as to you? A. To prefer charges.

Q. To prefer charges against you? A. Yes, sir.

Q. For permitting these pool-rooms to run in open violation of the law? A. Yes, sir.

Q. And what is true of the pool-rooms is true of the policy-dealers? A. Yes, sir.

Q. You are fairly familiar with the well known section 282 of the Consolidation Act, Rule 41 of the department? A. The duty of the police force?

Q. Yes. A. Yes, sir.

Q. And you know and recognize that that provision of law compels or requires the police to inspect all places having excise, having a license from the excise department; they must be open for public inspection? A. Yes, sir.

Q. So that the inspector either by himself or by his immediate aids or officers should have inspected those premises? A. Yes, sir.

Q. Do you know did he ever inspect them? A. I don't know, sir.

Q. At any rate, during the eight or nine months that you were in command of that precinct no complaint ever came from him? A. No, sir.

Q. Touching the existence of those pool-rooms? A. No, sir.

Q. No inquiries were ever made by him as to whether or no they existed, were they? A. No, sir.

Q. And while you paid this money every month did you pay it for the purpose and on the consideration that he should not interfere with you in allowing those pool-rooms to exist in your precinct? A. Certainly.

Q. For the purpose of enabling you to make collections from those pool-rooms and to have those pool-rooms undisturbed you paid this \$200 a month to the inspector of police? A. Yes, sir.

Q. How frequently did you make reports during this period of time? A. Once every three months.

Q. These reports were placed in his hands? A. They were sent to headquarters.

Q. And he was the officer charged with receiving them? A. Yes, sir.

Q. Did you ever have any call made by him to explain the absence in your reports as to the existence of these pool-rooms? A. No, sir.

Q. Did you report these pool-rooms as existing and doing business? A. No, sir.

Q. And these reports as they went to the inspector's hands were false? A. Yes, sir.

Q. And it was within his power and his duty to ascertain whether or no they were false, was it not? A. Yes, sir.

Q. And if he found that they were false to take the proper measures? A. Yes, sir.

Q. Against you and also against the pool-rooms; he is charged by law with that is he not? A. Yes, sir.

Q. As well as by the rules of the department; and this money paid by the pool-rooms to your wardman and which reached you was paid by him as a consideration that they should be allowed to run in violation of law? A. Yes, sir.

Q. And you paid part of that money that you received from the pool-rooms, part of that consideration you paid to the inspector as his share of their money to bribe the police officials to allow them to violate the law; is that so? A. Yes, sir.

Q. You have stated, I believe, that you received no other moneys from other sources in that precinct, except those two sources, the pool-rooms and the policy-shops? A. That is all.

Q. Were there any disorderly-houses in that precinct? A. No, sir.

Q. Were there any happenings or accidents, as it were, that occurred in that precinct during that time for which you received money that you had not testified to? A. Any accidents?

Q. Well, I mean things that do not occur regularly; I do not mean an injury to person or anything of that kind; let me see if I can not make it plain to you; were there any other things or sources from which you derived any money, whether regularly or irregularly in that precinct, except those that you have testified to? A. No; I can not remember any others; there was nothing else there.

Q. I beg pardon? A. There was nothing else there.

Q. I do not mean regularly, sometimes, occasionally, things come along; did anything outside of the regular pool-rooms and policy-shops occasionally occur, such as presents and things of that kind? A. No.

Q. Did you receive any presents while there? A. Never; no.

Q. Or any gratuities from business people? A. No, sir; not a thing,

Q. You hadn't anything to do much while there with the recovery of stolen property, for instance? A. No, sir; there were very few cases there; it was a very poor precinct, nearly all poor people and middle class, flats.

Q. How long did you remain in that precinct? A. From April until the following December; the 20th of December I was transferred.

Q. That would be about nine months in that precinct? A. About that.

Q. And in that nine months you gave to Inspector Williams altogether about the sum of \$1,800? A. Yes, sir.

Q. Now during your captaincy of those two precincts had you any knowledge that other captains of other precincts in that inspection district were also paying to the inspector of that district? A. No; I had no knowledge, no personal knowledge.

Q. Well, was it commonly understood? A. It is the custom.

Q. The custom in the department? A. Yes, sir.

Q. Well, you can not speak of your positive knowledge as to seeing the money passed between other captains and the inspector; yet can you say that it was the custom of the department for the captains of the several precincts to pay to the inspector of that inspection district so much money a month? A. I think so.

Q. According to the sum they realized? A. Yes, sir.

Q. To where were you removed or transferred from the Twenty-seventh? A. I was transferred for interfering—that is, alleged interference with liquor dealers, that is, making selling arrests instead of fake arrests.

Q. You were transferred from the Twenty-seventh by reason of your interference of liquor dealers? A. Let me tell this my own way.

Q. Yes; tell it your own way? A. When Superintendent Byrnes was made superintendent he called all the captains together; he told them he didn't want any exposure excise arrests; he wanted legitimate arrests made; that the exposure arrests made in different precincts, were only made for building up a large record of excise arrests when virtually there were no convictions at all; when arrests were made he wanted them fairly made and he also issued an order that hereafter, while he was superintendent, entry should be made on the blotter of the statement of the officer who made the excise arrest, as to what he bought, whether it was beer or whisky, how many people were in the place, and the full particulars; a copy of that entry was to be furnished to the officer for his guidance in court; so he could not forget the evidence in the case, presenting it in court; previous to that the officers were very forgetful; they would arrest a man for selling liquor, and the next day they would make a charge of exposure, and the consequence was that the magistrate would discharge the prisoner; the superintendent gave strict orders about that, and when I first went to that precinct I executed the order to the letter; the first Sunday, I think, I made 22 excise arrests, or 26, I forget now which; but it was the largest number that had ever been made in that precinct; and all the liquor dealers hollered murder; and they were all for selling; they were all held in court; so that the president of the Liquor Dealers' Association, Mr. Roach, threatened my officers that he would have them transferred if they insisted on making direct excise arrests.

Q. Let us have that? A. The president of the Liquor Dealers' Association up there threatened the officers in court that he would have them transferred for making those arrests; and the officers came and reported to me, and I instructed them to continue to make those arrests; the consequence was that both of those officers were transferred to other precincts; and I very soon after followed them.

Q. Now, can you tell us by what power or authority were those officers transferred to other precincts, who made those excise arrests? A. They were transferred by Commissioner Martin, on the representations made to him by the liquor dealers; when the friends of the officers saw Commissioner Martin to find out the reason of their transfer, Commissioner Martin told them that they were transferred for blackmailing liquor dealers.

Q. Told the officers? A. Told the officers' friends; the officers sent their friends there to find out the reason of the transfer, and they were told by Mr. Martin that they were transferred for blackmailing the liquor dealers; both officers protested, and wanted to show their records to show that every arrest they had made was a bona fide arrest, and was a selling case; but they were transferred; one very soon after applied for retirement; the other is still in the business.

Q. Do you know of any charges having been made against those officers for blackmailing? A. No, sir; there were not.

Q. Now, about your own transfer; did anyone threaten to have you transferred; or what took place in relation to your own transfer? A. The liquor dealers made the same complaint about the captain, as I understand; of course, I only have this second-hand.

Q. Well, what knowledge reached you? A. That I made too many excise arrests in that precinct; I made too many bona fide excise arrests, and I was to be transferred; I was transferred to the Fifth precinct, where there were very few liquor stores.

Q. That is down here in Leonard street? A. Yes, sir.

Q. Before you received notice of your transfer did you have any personal knowledge of these complaints against you for interfering with the liquor dealers? A. Oh, yes; some liquor dealers came to me.

Q. What did they say? A. Well, they didn't want me to be so strict; not make so many arrests.

Q. Did any of them threaten to transfer? A. Not in my presence; no, sir; but I know that would be the result.

Q. That was what was intended? A. Yes, sir.

Q. Implied; well, did you receive any word from any of the authorities at headquarters about the transfer before the transfer was made? A. No, sir; not before the transfer.

Q. You were never called before the commissioners? A. No, sir.

Q. No complaint was lodged against you? A. No, sir.

Q. Did you have any talk with your inspector about the understanding that you had of the threats made against you? A. No, sir; I don't think I did; I don't think I spoke to the inspector about it.

Q. After you were transferred did you have any talk with any of the officials in connection with the cause of your transfer? A. Yes, sir; I did.

Q. With what official? A. The superintendent.

Q. What was the conversation? A. I told him I thought it was a shame that I had to be transferred on account of those liquor dealers; he told me to keep quiet at the time, that the thing would right itself at the time.

Q. Is that all the conversation you had? A. Yes, sir.

Q. Did you have any conversation with any of the commissioners? A. No, sir.

Q. Have you told us all in relation to that precinct and its affairs so far as you can now remember? A. Yes, sir.

Q. When you went to the Fifth precinct you went there in December? A. December, and remained there I think seven weeks, when I was transferred again.

Q. December, 1892, was it? A. Yes, sir; I remained there until the 1st of March, 1893.

Q. Now, let me ask you about your transfer; did the order for that transfer issue directly from the superintendent? A. From the board of police, through the superintendent.

Q. Had you any knowledge what particular, if any, commissioner, was the cause of moving for your transfer? A. I was told Commissioner Martin.

Q. Did your information reach you through police circles and channels that it was Martin moved for your transfer? A. No, sir; Commissioner Sheehy I think told me about it.

Q. He is a commissioner of charities and corrections? A. Yes, sir; he lived up there; he was a particular friend of one of those officers and he was the man that went to see Commissioner Martin in behalf of one of those officers.

Q. What did he tell you that Martin said? A. Well, he told me that he told him that these men had been blackmailing liquor dealers; I said Commissioner Sheehy, "It is not so; this is the result of the threats made by the liquor dealers to have these officers transferred, because they made bona fide arrests."

Q. You say you were in command of the Leonard street station, the Fifth precinct from December until the following April, I think? A. No, the 1st of March; yes, I was there just eight weeks—nine weeks.

Q. Now, what collections were made while you were in that precinct? A. There were no collections made, only I think there were two pool-rooms there.

Q. How about the merchants who incumbered the sidewalks? A. I never had nothing to do with that business at all.

Q. There were two pool-rooms in that precinct? A. Yes, sir.

Q. You say that you made no collections or received no collections from the merchants paying for the incumbering of the sidewalks? A. No, sir; I was not there long enough to get acquainted.

Q. Where were those two pool-rooms? A. Canal street.

Q. In Canal street? A. Yes, sir.

Q. Did you know the proprietors of them? A. No.

Q. Did you ever hear the names of the proprietors? A. I did at the time; I have forgotten now.

Q. How much was collected from those pool-rooms? A. I think they paid \$200 a month.

Q. That was the regular price? A. Yes, sir.

Q. Then that would be \$400 a month you collected there? A. Yes, sir.

Q. Did you collect money from other sources? A. No; I don't think so; I don't remember any thing else; I think that is all that is there.

Q. Any disorderly-houses in that precinct? A. No, sir; not a house.

Q. Were you in that precinct before or after Captain Doherty in the Fifth? A. I followed Captain Ryan; I don't know when Doherty was there.

Q. It has been proven here and in other forms as well as this, that the merchants in that precinct paid the wardmen regular moneys every month for the privilege of encumbering their sidewalks with their produce, and some of them with their boxes, etc.; do you swear that during your command of that precinct that you made no collections from them? A. No, sir.

Q. Or your wardman? A. No, sir; not to my knowledge; I never received anything from that source; I knew I was not going to stay there long, in fact I didn't pay much attention to anything, much, because it was a quiet place at night; I generally used to go home at 9 or 10 o'clock at night and didn't go around the precinct much; I expected not to stay there very long because I knew it was only a question of a few weeks when I would be transferred again.

Q. What caused you to have that expectation? A. The superintendent told me; he said that the first opportunity he would see that I was transferred; I told him I didn't want to go down town I would rather be up town somewhere.

Q. While you collected the money for the pool-rooms in that precinct, did you pay any of that money to the police officials? A. Yes, sir.

Q. To what police official? A. To Inspector McAvoy.

Q. Was he the inspector of that inspection district? A. Yes, sir.

Q. Had you ever paid McAvoy any money before that? A. No, sir.

Q. How did you know that McAvoy would accept the money? A. Well, he didn't refuse it when I gave it to him.

Q. You assumed that it was the proper thing to do? A. Yes, sir.

By Chairman Lexow:

Q. You understood it was the custom? A. Yes, sir.

By Mr. Goff:

Q. You never had been in the close official relations with McAvoy that you had with Inspector Williams? A. No, sir.

Q. Do you remember the first time that you paid McAvoy the portion of the money that you collected? A. Well, it must have been sometime in January.

Q. Where did you pay it; where was it? A. I think that I put it in an envelope and laid it on his desk at headquarters.

Q. Did you address it in any way? A. No; just left it on his desk.

Q. How much? A. I think it was \$50.

Q. Was he there at the time? A. Yes, sir.

Q. Did you see him take the envelope? A. I don't remember that, but I laid it in front of him.

Q. You laid it in front of him? A. Yes, sir.

Q. Had you the envelope already prepared? A. Yes, sir.

Q. Sealed? A. Yes, sir.

Q. You took it out of your pocket and you laid it in front of him? A. Yes, sir.

Q. Did he say anything at all? A. No, sir.

Q. Did you say anything? A. No, sir.

Q. Was that an understood thing that nothing should be said at the time these various moneys were passed to the inspectors? A. No; I don't think there was any understanding about it.

Q. Well, was it the custom so far as you could hear from other men in the department? A. I presume it was the custom because it was done that way; I can not explain why it was done that way; I did it that way.

Q. You did it that way, as you say, because it had been done that way? A. I never say anybody else do it.

Q. But you had heard the subject spoken of frequently I suppose?

By Chairman Lexow:

Q. But you understood the others were doing it, didn't you?

A. Well, I surmised so; I don't know; I can not speak for others.

By Mr. Goff:

Q. Well, it seemed to go all right, anyway? A. It went all right.

Q. How frequently did you pay Inspector McAvoy? A. Once a month.

Q. While you were there? A. Yes, sir.

Q. Do you remember how many payments were made him altogether? A. Two or three; I don't know which.

Q. Now the same condition, so far as his duty was concerned, existed in that district as existed in Williams' district? A. Yes, sir.

Q. Those pool-rooms could not have existed there without your knowledge? A. No, sir.

Q. And if the inspector had performed his duty they could not have existed without his knowledge? A. No, sir.

Q. Who was your wardman in the Fifth? A. McDermott and Kehoe.

Q. Which of them made the collections for you? A. McDermott.

Q. I will put the same question to you that I did in reference to Williams; these pool-rooms paid to your wardman to be given

to you these sums of money per month as a consideration that they should be allowed to violate the law? A. Yes, sir.

Q. In fact, to bribe you to allow them to violate the law; is that so? A. Yes, sir.

Q. And for what purpose did you divide that money with the inspector? A. So they wouldn't be interfered with.

Q. Your understanding in that relation with the captain was that you should not divide; it was not a divide so much; it was that you should pay him so much money as inspector, wasn't it? A. I don't understand that question.

Q. I will put it this way; you paid the inspector this \$50 a month as a bribe to him to allow you to permit the law to be violated in your precinct? A. In the case of those pool-rooms; yes, sir.

Q. And he accepted this money from you and those pool-rooms were not interfered with? A. Yes, sir.

Q. Your answer may be misleading? A. They were not interfered with.

Q. Were there any charges preferred against you for permitting these pool-rooms to openly violate the law? A. No, sir.

Q. Did the inspector ever call you to account? A. No, sir.

Q. Did you make any reports while you were in that precinct to the inspector? A. No, sir.

Q. Did he call upon you to make any reports? A. No, sir.

Q. Well, it was the privilege of the inspector to not only personally inspect but to call upon you for reports other than your quarterly reports, was it not, if he wished to do so? A. Oh, if he wished to do so; yes, sir.

Q. If he wished to do so it was his privilege? A. Yes, sir.

Q. Did he call upon you for such reports? A. No, sir.

Q. Did he ever inquire upon you about the existence of any pool-rooms in your precinct? A. No, sir.

Q. Were those pool-rooms conducted openly? A. One was up stairs over a liquor store and the other one was in the rear of a cigar store.

Q. So that any person could go in there? A. Yes, sir.

Q. And if the inspector had performed his duty, he or his officers or deputies could have obtained evidence against those pool-rooms? A. Yes, sir.

Q. Independent of you? A. Yes, sir.

Q. And by reason of the fact that he got this money every month nothing was done by him? A. I presume so.

By Chairman Lexow:

Q. That was the object of the payment to him? A. Yes, sir.

By Mr. Goff:

Q. So that you carried out under Inspector McAvoy the same custom that you had carried out under Inspector Williams? A. Yes, sir.

Q. And these monthly payments that you paid to Williams, as you have testified to, you paid them to him as bribes to enable you to permit the law to be violated in your precinct? A. Well, I don't know as I can call it a bribe; he accepted it.

Q. Well, that was the consideration to enable you to do it? A. Yes, sir.

Q. After you left the Fifth where were you transferred? A. To the Ninth.

Q. To Charles street? A. Yes, sir.

Q. How long did you remain in Charles street? A. One month.

Q. Did you make any collections in Charles street? A. None whatever.

Q. Did you inquire whether or no there were any sources to be collected from? A. No, I didn't; I didn't intend to stay there at all; it suited me less than the Fifth precinct.

Q. Where were you transferred to from the Ninth? A. To the Twenty-second.

Q. What station-house? A. Forty-seventh street, between Eighth and Ninth avenues.

Q. You rather considered that you were improving your conditions and prospects as captain by getting to the Twenty-second? A. Yes, sir.

Q. You succeeded Captain Devery in that precinct, I think? A. No, sir; I think Captain Delaney; Captain Delaney and I changed places; he went to the Ninth, and I went from the Ninth to the Twenty-second.

Q. How long did you remain in the Twenty-second? A. From May until December.

Q. In the same year? A. The last year, 1893.

Q. From May until December? A. Yes, sir.

Q. Who was your detective there? A. Casey and Divinney.

Q. Did you make any collections while in that precinct? A. Yes.

Q. Were those wardmen there when you went there? A. No, sir.

Q. Did you have them transferred? A. One was there doing patrol duty, and the other one was transferred there.

Q. At your request? A. Yes, sir.

Q. Casey? A. Yes, sir.

Q. Now, what sources of revenue or collections did you find in the Twenty-second? A. There were some policy shops there and some houses of prostitution.

Q. Disorderly-houses? A. Yes, sir.

Q. There were some gambling-houses there, were there not? A. They were there, but they were not doing any business; they tried to do business.

Q. How about the green goods men in that precinct? A. There were not any there in my time, not one.

Q. Did you ever come in contact with any of the green goods men in any of the precincts in which you were captain? A. No, sir; there used to be a gang of them hang out at One Hundred and Sixth street and Third avenue when I was up in that precinct; but I had nothing to do with them.

Q. Will you please tell us just how you proceeded in the Twenty-second to make the collections there? A. Well, there was about \$500 collected there a month; between \$500 and \$600.

Q. A month? A. Yes, sir.

Q. From all sources? A. Yes, sir.

Q. Policy shops? A. Yes, sir.

Q. And disorderly-houses? A. Yes, sir.

Q. Were there any other sources but those two? A. That is all.

Q. I presume the policy shops paid the usual \$20 a month? A. Yes, sir.

Q. What was the average pay of the disorderly-houses? A. Some \$10, some \$25, some \$50.

Q. Was there any such things known there as initiation fees for opening houses? A. Not in my time.

Q. Had you any special orders from any person regarding the protection of certain disorderly-houses, particular disorderly-houses in that precinct, apart from being there? A. Yes, sir.

Q. Tell us what directions you had? A. When I first went in the precinct I called upon Commissioner Martin at headquarters and he particularly mentioned some disorderly-houses in Forty-sixth street.

Q. Tell us the names* of the houses, please? A. Well, he mentioned them in general, the houses in Forty-sixth street.

Q. Was Georgiana Hastings' one of those houses? A. No; she was in Forty-fifth street.

Q. He mentioned the houses in Forty-seventh street? A. In Forty-sixth street.

Q. Between what blocks? A. Between Sixth avenue and Broadway.

Q. Just give us his exact words? A. He said, "You might leave them be there and not interfere with them until the school is built;" there was a school then in erection; "after that is built, you will have to drive them out of there;" I said, "All right;" on another occasion he telephoned for me at half-past 11 o'clock at night to be in his office the first thing in the morning; I went down there; I had received a complaint about a disorderly-house from some citizens, and I sent an officer to this house to make inquiries; that was the house 250 or 252 West Fifty-first street, Mrs. Sadie West; I sent Casey there to find out what kind of a house it was, and he rang the bell, and the woman was very reluctant to give him any information; and she asked him if he knew Commissioner Martin; he said, "Yes;" this woman said, "Commissioner Martin is a friend of mine, and don't you do anything until you hear from him;" that same evening I received a message; that was in October some time — in September, I guess, last year.

Q. November? A. Or November; I received a message to be at Commissioner Martin's office the next day, and he said, "Did you send an officer around to such and such a house?" giving the number; I said, "Yes, sir; the officer did it at my direction;" he said, "Well, you send that man back there and make him apologize, say he made a mistake;" I said, "Hold on, commissioner, this originates from a complaint of citizens;" "Well, I don't care; I want you to do what you are told;" so I had to send that officer back and he had to apologize, beg the woman's pardon, that he was sent there to make an investigation; I desire to correct that number; it is 234 West Fifty-first street, instead of 252.

Q. Sadie West? A. Yes, sir.

Q. Did you receive more than one complaint from the citizens regarding that house? A. That is all; there were several letters I received, and I sent the officer there to investigate them.

Q. Where was the school being constructed at that time? A. At the south side of Forty-sixth street, between Sixth avenue and Broadway.

Q. Could you give us the name of any of the houses in Forty-sixth street at that time that the commissioner told you to pass? A. Well, he didn't mention them by name; he simply mentioned the houses in Forty-sixth street.

Q. Can you give us the names yourself? A. No; I don't know as I remember any of the names; there were some immediately opposite the school, where the school is being built, two or three; and there was one or two down near Broadway on the south side of the way; there was about, I should judge, five or six houses in that block.

Q. Disorderly-houses? A. Yes, sir.

Q. In compliance with the orders of President Martin, did you interfere with those houses? A. I did not.

Q. You as a police captain had official knowledge; now, I draw the line between official knowledge and personal knowledge; but did you have official knowledge as captain of that precinct, that those were disorderly-houses? A. Official, yes, sir.

Q. And sufficient knowledge at your disposal? A. Yes, sir.

Q. To raid those houses any time? A. Providing I got evidence.

Q. Positive evidence touching each house? A. Yes, sir.

Q. But that evidence could have been obtained? A. Yes, sir.

Q. You didn't try to obtain that evidence? A. No, sir.

Q. Why? A. Well, the houses were in Commissioner Martin's district.

Q. Was it on account of the order that Martin gave you not to interfere with them that you didn't try? A. It was not exactly an order, Mr. Goff; it was a request more than an order.

Q. But you took the request as an order? A. Yes, sir.

Q. It produced that effect upon you? A. Upon me; yes, sir.

Q. That a request from a commissioner upon such a subject was the same as if he had given you the order in express terms? A. Yes, sir.

Q. When you said in the commissioner's district what did you mean? A. The Twenty-first Assembly district.

Q. In the political district of which he is leader? A. Yes, sir.

Q. I wish to have it clearly upon the record on this matter; from the language that he used to you, did you accept that language as a direction from him not to interfere with those houses? A. I did, sir.

Q. And you acted upon that direction? A. Yes, sir.

Q. And from all that took place between yourself and the commissioner on that subject, from the conversation that took place, it was understood between you that that was a direction? A. Yes, sir.

Q. You made what collections a month in the Twenty-second; about \$500 or \$600? A. Five hundred dollars or \$600.

Q. Could you give us the exact sum? A. Well, it varied between that.

Q. Were there any other incidental sources of revenue? A. No, sir.

Q. Than those that you have stated? A. No, sir.

Q. You say the gambling-houses were not running? A. There were three alleged gambling-houses there; they tried to open and I wouldn't let them open, especially one in particular; the one on Broadway, where some influence was brought to bear, and I consulted the superintendent.

Q. What were those influences? A. Well, there was a gentle man brought me a letter; this house was run by a man by the name of Maynard on Broadway between Forty-second and Forty-third streets; the houses were all closed up, gambling-houses, and they were visited by my men every hour to see that they would not do any business; the orders were very strict from the superintendent to allow no gambling of any kind, and not to allow those houses to open; Maynard came to me repeatedly and asked me to let him play; I told him I would not, and I couldn't if I wanted to; he then associated himself with a man by the name of Proctor, who was a paymaster in the aqueduct commission at that time; he was a particular friend of Commissioner Sheehan; he brought me a letter of Commissioner Sheehan, introducing him to me to be an honest and upright man, and try and assist him in the matter which he would state to me.

Q. Have you got that letter? A. It is in my papers at home.

Q. Will you get that letter? A. I will to-morrow.

Q. Give us the substance of that letter? A. I will give you the original letter.

Q. Now, give us the substance as near as you can? A. It introduced Mr. Proctor to me as being a man of honor, and that I should accord to him anything he might want.

Q. Anything he might want? A. Yes, sir; I think that is it as near as I can remember; I haven't seen the letter for some time; it comes to my memory now; what the man wanted was this—

Q. What he stated to you? A. Yes, sir; that he was in partnership with Maynard and wanted to use his influence to have Maynard open that as a gambling-house.

Q. That he was about to what? A. He wanted to go in partnership with Maynard and on account of the political influence he would bring, on account of his connection with Commissioner Sheehan, that there would be sufficient influence brought to bear that he would open this gambling-house; I refused to let him open the gambling-house, and I consulted Superintendent Byrnes and told him all about it; he said, "Schmittberger, if you allow that gambling-house to open, I will break you;" that conversation took place the night of the fire in Campbell's paper factory in Forty-second street; the inspector was there, and I told him then that this man was running after me all the time and wanted me to let him open; I did see Commissioner Sheehan once or twice at the Pequod Club in reference to this man Proctor; he told me then that if they were only going to play hearts or euchre, I couldn't interfere with them.

Q. Sheehan told you? A. Yes, sir; Sheehan told me that there was a Spanish club in that house and I had no right to interfere with it; if they played cards among themselves without playing gambling games that I had no right to interfere; I reported it to the superintendent; he said, "You will have no cards played there; if you allow that house to open I will break you."

Q. Did you ever say anything to Commissioner Sheehan about having received a letter of introduction of Proctor to you? A. Yes, sir; I spoke to him about Proctor.

Q. What was the conversation that you had with him about Proctor? A. I told him that Proctor had been to see me, and every time he came he pretended that he came from the commissioner direct; of course, I wanted to make sure whether he did or not, and I made it my business to see Commissioner Sheehan, and he stated yes; that this man had been to his office several times and he had advised him to go and see me.

Q. Did he further vouch for his character and reputation?
A. He did.

Q. Give us his words as near as you can recollect? A. He said Proctor was an all right fellow.

Q. Did you tell the commissioner in any of the interviews you had with him that Maynard was known as a gambler and that was in your opinion going to be opened as a gambling-house? A. Well he knew himself I presume.

By Chairman Lexow:

Q. Who, Commissioner Sheehan? A. He must have known Maynard; he knew that Proctor was to go in partnership with Maynard.

By Mr. Goff:

Q. What I want to get is the conversation that passed between yourself and Sheehan upon that subject? A. That was about the only conversation, that I went to him and told him that this man Proctor was very anxious to open up.

Q. With Maynard? A. Yes; and that he couldn't open up because the superintendent wouldn't allow him.

Q. When you said "open up," open up what? A. A game.

Q. You see we are compelled to be particular about these matters on the record? A. I know.

Q. Did you tell Sheehan that it was against the orders of the superintendent to open up a gambling-house? A. I did.

Q. Give us his words? A. I told him the superintendent wouldn't have it, that I had seen the superintendent and he was very hot about it; that he wouldn't have it anyhow; he then said, "If they can't play, Daly can't play."

Q. Sheehan said? A. Yes, sir.

Q. He said, "If they (meaning Proctor and Maynard) can not play, Daly can't play?" A. Yes, sir.

Q. Well, that was the well known John Daly? A. John Daly.

Q. Did you know anything about John Daly? A. I knew John Daly; the commissioner told me then that Daly was playing in Fifty-ninth street; I told him it was not so, because I had men going through there.

Q. Was Fifty-ninth street in your precinct? A. It was in that precinct

Q. Did Sheehan tell you Daly was playing at that time? A. Yes, sir; and I told him right there and then that they were not playing because I had men going through there every hour and I was positive they were not playing.

Q. Daly had two houses thrown into one in Fifty-ninth street, where an entrance could only be effected through one house; do you know anything about that? A. He has only got one house.

Q. What? A. The double house is in Twenty-ninth street; I am speaking of Fifty-ninth street.

Q. The double house was below? A. The double house was in Twenty-ninth street.

By Chairman Lexow:

Q. Do we understand that Commissioner Sheehan used the argument that Daly was open there and playing as a reason why these other men should have a right to play? A. Exactly.

Q. In other words, that he was going to stop one violation of the law unless you allowed a similar violation to be made by another person? A. That is just exactly what I understood.

By Mr. Goff:

Q. Did any official or any person ever interfere with you regarding Daly's establishment? A. Interfere with me?

Q. Yes. A. Daly's was not open in my time.

Q. Were you ever told by any official or any person of influence or authority, even outside of the department, not to interfere with Daly's gambling establishment? A. No, sir; never.

Q. In any precinct where you were and where he was? A. No, sir.

Q. Were you ever told to let Daly's go even though you closed other gambling-houses? A. No, sir; never.

Q. Were you ever aware that any official in the department was behind John Daly's? A. No, sir.

Q. Or had an interest in John Daly's gambling-house? A. No, sir.

Q. When Commisisioner Sheehan told you that, if they couldn't run, John Daly's couldn't run, you say you said to him that Daly's was not running? A. Yes, sir.

Q. What further conversation took place between yourself and Sheehan at that time? A. Well, he insisted that Daly's was running and he told me that a man had been in the previous night to play; I asked him what time, and he gave me the time, 9 o'clock; and that is just the time I and Inspector McAvoy were in the house, going through it, to see that there was not any playing going on.

Q. Now have you given us the full conversation, the words, as nearly as you can recollect, of Sheehan's expression to you at that time relating to Daly? A. Will you allow the stenographer to read over the last portion of it? .

Mr. Goff.—Certainly.

(The stenographer read to the witness the portion of the testimony desired by him.)

Q. Now, as to the recollections of \$600 a month in that precinct; you have stated that you paid a portion of that to some police official; what police official did you pay? A. Inspector McAvoy.

Q. Was that in his district? A. Yes, sir.

Q. His inspection district? A. Yes, sir.

Q. The same inspector in whose district this precinct was? A. Yes, sir.

Q. How much did you pay McAvoy every month? A. Oh, I forget now; it was either \$150 or \$175, or something like that; I didn't keep any record of these things; I simply had to always guess at it.

Q. Can you say definitely \$150? A. Yes, sir.

Q. Or thereabouts? A. Or thereabouts.

Q. Per month? A. Yes, sir.

Q. Did you follow the same course that you followed down in the Fifth precinct? A. Yes, sir.

Q. Just took the same steps in this transaction? A. Well, he would sometimes come to the station-house and I would hand it to him in my room, and sometimes I would go to headquarters; whenever I had occasion to go to headquarters, I would simply put it in an envelope and lay it on his desk.

Q. In his presence? A. In his presence.

Q. Did you ever have any conversation with him about the payment of this money? A. No, sir.

Q. Or about the time of payment? A. No, sir; it was no use having any conversation; he understood what it was; I placed it in an envelope without a name on it.

Q. Was there ever anything said by him or you as to the sources from which this money was obtained? A. No; I think he asked me one time if it was—yes; I remember now; he did ask me one time if some of that came from disorderly-houses; if it did he didn't want it, because he didn't want any money of that kind; I told him no, it hadn't; he drew the line there.

Q. He drew the line at the disorderly-houses? A. Yes, sir.

Q. Well, as a matter of fact the money had come from the disorderly-houses? A. Yes, sir.

Q. I presume you knew your business too well to allow a little thing like that to stand between the inspector and the money? A. No, sir.

Q. You didn't understand that said by him to be in good faith? A. Well, he is a very religious man; I thought he might have conscientious scruples.

Q. And in order to ease up on his conscientious scruples you told him what was not true? A. Yes, sir.

Q. Well, it was a matter of common knowledge and notoriety that there were disorderly-houses in that precinct? A. Yes, sir.

Q. The inspector should have known that? A. He had been a captain there before.

Q. He had been captain in that precinct? A. Yes, sir.

Q. And it was his duty to know whether or not disorderly-houses existed in that precinct, was it not? A. Yes, sir.

Q. Now, in the same way you received the money from your wardman from these houses in consideration that you would allow them to violate the law? A. Yes, sir.

Q. Did you pay this money per month, \$150 or thereabouts, to Inspector McAvoy each month while in that precinct, as a consideration to him to allow you to permit the houses and other people in that precinct to violate the law? A. Yes, sir.

Q. And these houses were not interfered with by you? A. Oh, some of them were raided.

Q. What were the causes for that? A. Well, if complaints were made they were raided.

Q. But the payment went on? A. Not in all cases; some were drove out of there.

Q. We will take the houses that were not raided and that paid the money; those houses were not interfered with by you?
A. No, sir.

Q. And you were not interfered with by the inspector?
A. No, sir.

Q. For your non-interference with the houses?
A. No, sir.

Q. Did you make reports at this time to headquarters touching the existence of disorderly-houses in that precinct?
A. Yes, sir.

Q. That was after Superintendent Byrnes ordered that he would not receive any more reports of reputed houses of ill-fame, etc., was it not?
A. Yes, sir.

Q. And captains were directed to make reports of actual houses of disorderly nature in their precincts?
A. That is it.

Q. Now, in pursuance of that order of the superintendent, did you make your report of actual disorderly-houses in the precinct?
A. Yes; we made a report—that is, if we had any evidence against any house, we reported it; there was a weekly report made of them.

Q. I will take these houses that paid the monthly allowance; did you report those houses?
A. There was none of them reported.

Q. None of them?
A. No, sir.

Q. And the inspector could have, in the performance of his duty, discovered these houses?
A. Yes, sir.

Q. And these reports that you put into his hands were not true and correct reports of the condition of affairs in your precinct, were they?

By Chairman Lexow:

Q. Well, the same houses had been running when McAvoy was captain of that precinct, were they not?
A. Yes, sir.

Mr. Goff.—I want to get it in the legal shape, Mr. Chairman.

By Mr. Goff:

Q. These false reports that you made touching the existence or non-existence of disorderly houses in your precinct went into the hands of Inspector McAvoy as your superior officer?
A. Yes, sir.

Q. And it was within his power and his duty to see that those reports were verified?
A. Yes, sir.

Q. Was it not? A. Yes, sir.

Q. And if he had examined he could have found that these reports were untrue? A. Yes, sir.

Q. Did he examine as far as you know? A. I don't know, sir.

Q. You never heard of any examination? A. No, sir.

Q. You were never called to order for making an incorrect or false report, were you? A. No, sir.

Q. The inspector never called upon you to explain how it was that these houses that did exist were not reported by you as houses of disorderly nature? A. No, sir.

Q. Charges were never preferred against you for that? A. No, sir.

Q. And the money that you paid to the inspector was paid by you to him in consideration that he would permit this state of things to continue, was it not? A. Yes, sir.

Q. Outside of the money that you paid to Inspector McAvoy did you pay money to any person whatever while you were in command of that precinct? A. No, sir.

Q. Were you asked for any money? A. No, sir.

Q. You left that precinct when? A. On the 5th of December, 1893.

Q. Where were you transferred? A. To the Nineteenth.

Q. To the Tenderloin? A. Yes, sir.

Q. Now, that is regarded if not the best, as one of the best precincts in the city, is it not? A. It is a mistaken idea.

Q. Have its glories faded? A. They have, very much.

Q. What is the best precinct, as reputed now on the force, in this city? A. Well, I don't know; the Eleventh, I guess, is considered the best to-day.

Q. That is Eldridge street? A. Yes, sir.

Q. Now, for your transfer to the Tenderloin, did you pay any money or any consideration to any person whatever? A. Not a cent.

Q. Were you asked for any? A. No, sir.

Q. Now, you are stating the absolute truth; you know what depends upon it? A. As true as I am here.

Q. And under your oath? A. And under my oath I never paid a cent, and never was asked for a cent; in fact, it was a surprise to me; I never expected to be transferred to it.

Q. You went into the Tenderloin in December, 1893? A. Yes, sir.

Q. You have been in command of the Tenderloin since? A. Yes, sir.

Q. What collections have you made since you have been in command of the Tenderloin? A. Very little.

Q. Do you mean that actually or comparatively? A. Actually.

Q. How much have you made? A. Well, when I went there we closed up nearly all the houses, and a great many of them were driven out; for instance, Thirty-first street was entirely cleaned out with the exception of one woman; Captain O'Connor drove these people out in 1892, before I took command there, and I continued the raids under the direction of the superintendent, and got evidence against nearly every house there was in the precinct, and they remained closed for quite a while; some moved away and some remained for better times; and the ones that were allowed to remain were allowed to remain without paying; the committee was in session at the time here, and they were all waiting for the committee to go away, to resume business; they were simply tolerated and allowed to exist and live; that is just the actual state of affairs at present in the Nineteenth precinct.

Q. That is, to run low? A. Well, some are not running at all, and some are running very low.

Q. I suppose they were to run low and wait until the clouds rolled by? A. Exactly.

Q. I will ask you, before it escapes my memory, to step back with me to the Twenty-second; while in the Twenty-second did you ever hear of Georgiana Hastings? A. Yes, sir.

Q. Was she one of the women that paid? A. No, sir.

Q. Why did she not pay? A. Well, she was exempt for some reason or other.

Q. That is the point I want to get at, the exemption? A. I couldn't tell you myself.

Q. How is it that she was not assessed, and, if not paying an assessment, that she was not pulled? A. Georgiana Hastings is a very peculiar character, and some of the gentlemen who visit her house probably would not like to see their names in print, and I presume when I went to the precinct there, that that was the reason she was never interfered with; in fact, she keeps a very quiet house, and I was given the tip, so to say, if I didn't want to burn my fingers not to have anything to do with her, and I didn't; I never saw the woman, and I wouldn't know her now if she stood before me.

Q. From what source did you get the tip? A. I couldn't remember now; I think I got it from Captain Devery, if I remember right.

Q. He had been your predecessor? A. No; Delaney intervened between Devery and I.

Q. I mean before Devery, he had been in that precinct? A. Yes, sir.

Q. And he knew how the thing worked? A. Yes, sir.

Q. Is it not a fact that you were informed that certain public officials were in the habit of visiting Georgiana Hastings' house? A. Yes, sir.

Q. And some officials that graced the bench? A. Yes, sir.

Q. And some officials that held commissions in the city of New York? A. Yes, sir.

Mr. Goff.—Now, Mr. Chairman, at this point I do not wish to bring in the names of men. We have been aware of the conduct of affairs in this Hastings house. Miss Hastings, or Madam Hastings, or whatever we will call her, is under indictment. It has been a very difficult matter for us to get her here, even under a bench warrant, and we have very positive information that one night when a bench warrant was sent there for execution, that there were two officials, one a judge of a court in this city—not of a civil court—in the house, and that that warrant was not executed. While we have been extremely careful not to mention men's names, and will be extremely careful, of course, sometimes it may force itself upon us as a duty, and if it does, we will have to do it, and only under those circumstances.

Chairman Lexow.—Yes, I think unless an absolute emergency arises where it is absolutely necessary, that we should not smirch any private character.

Mr. Goff.—That is why I take the liberty of calling the attention of the committee to this, because we do not wish to be criticised. At the same time we do not wish, even in the performance of a duty, to go to such extremes unless the public interests absolutely demand it.

Q. Well, captain, we have it now that by reason of the friendly interest taken in this women Hastings by certain public officials in this city, she was protected from interference? A. Yes, sir.

Q. And she was exempted from paying the tribute or assessment which the keepers of other houses in that precinct paid? A. Yes, sir.

Q. On that account? A. On that account.

Q. And by reason of the friendship and protection given to her by men occupying public positions in this city she was protected in the violation of law, which she was doing? A. Yes, sir.

Q. And you as a police captain understood well the protection that she was receiving? A. I did, sir.

Q. You appreciated the fact that if you interfered with her you would not be serving yourself? A. Exactly, sir.

Q. You would be burning your fingers? A. Yes, sir.

By Chairman Lexow:

Q. Did you understand by burning your fingers that you would be removed from your post? A. Yes, sir.

Q. And somebody more amenable to suasion would be put there? A. Yes, sir.

By Mr. Goff:

Q. Now, how much did you collect in the Tenderloin, the Nineteenth, while you were there? A. Very little.

Q. Will you give us an idea, the approximate amount per month? A. Probably not \$200 a month.

Q. I beg pardon? A. Probably not \$200 a month.

Q. What is the world coming to; only \$200 a month in the Tenderloin? A. Well, that is what I told you in the start, that it was a mistaken idea.

Q. The golden days have passed? A. Yes, sir.

Q. Now, did you divide or did you give any part of that money to any police official? A. No; no superior officer.

Q. Did you give it to any inferior? A. Yes, the detective go this 20 per cent.

Q. What detective? A. Detective Burns.

Q. Is he the man that has been broken? A. Yes, sir.

Q. James Burns, isn't it? A. Yes, sir.

Q. Have you had a detective since Burns? A. No, sir.

Q. No wardmen are allowed? A. No, sir.

Q. Have you made any collection of moneys since Burns left? A. Not a cent.

Q. What inspection district is the Tenderloin in? A. The Second inspection district.

Q. Inspector Williams? A. Inspector McAvoy's.

Q. Have you ever made any collections from the Madison Square Garden? A. No, sir.

Q. Have you ever known of any collections being made there by any official? A. Only what I see in the papers; my name was mentioned in this Brady matter by Mr. Sanger.

Q. Did you get any money? A. Not one red cent; never had any talk with Brady or any one else about any money.

Q. While you were sergeant in that precinct or while you were in any capacity in that precinct did you ever know of any money being paid by the lessees or occupants of the old Gilmore Garden or Madison Square Garden to the police? A. No, sir; since the balls were there they have an all-night license.

Q. Before the balls were there did you know of any money being paid to the police by any person for the privilege of selling? A. The only money I ever knew of was the supper money given to the men; that is, at balls they would give a dollar for an officer's supper; if there were 20 men they would give the sergeant \$20 to distribute among the men to get their suppers with; there never was no secret about that; it was paid right in the corridor; the money was given in dollar bills to give to the officers to get their suppers with.

Q. Now, I will ask you about a few specific things; I will direct your attention to the money paid by Mr. Forget? A. Yes, sir.

Q. You got that \$500? A. Mr. Forget made me a New Year's present of that \$500; there was no service rendered; there was no police duty rendered or violated for it; it was simply a New Year's present given out of good faith by Mr. Forget.

Q. You did get the \$500? A. I did, sir; but not in the shape of a bribe; it was simply done in good nature by Mr. Forget.

Q. I ask you in regard to another house in the Twenty-second while you were there; did anybody ever say anything to you about Lillie Clifton, the house that she kept? A. Yes.

Q. Who said anything to you? A. Captain Devery.

Q. What did he say? A. He told me to take care of her.

Q. Did he give you a reason? A. Yes, sir.

Q. What was the reason? A. On account of the services she has rendered in that case.

Q. In the Gardner case? A. Yes, sir.

Q. Services that she had rendered to the police? A. Yes, sir; well, to him.

Q. And you did take care of her? A. She was not there in my time; there was another woman there by the name of Freeman.

Q. Well, she was running the house? A. It was her house, but she was not there.

Q. Now at any time or under any circumstances did you ever pay any money to any police official except those that you have named and described? A. Oh, I gave political contributions.

Q. To whom did you give political contributions? A. To both Commissioner Martin and Mr. Sheehan.

Q. Now, let us see about those political contributions; how much did you give to Mr. Martin? A. One hundred and fifty dollars.

Q. When? A. Last year.

Q. How much did you give to Mr. Sheehan? A. One hundred dollars.

Q. Did you give those sums voluntarily? A. Yes.

Q. If you gave them as political contributions, why did you not give them to the political organizations directly? A. Well, they were the leaders in those districts.

Q. You gave it to them while you were in the respective districts? A. No; they were the leaders of their own districts; Sheehan was the leader in the Thirteenth and Martin in the Twenty-first.

Q. Were you requested to give the contributions? A. Well, it was intimated to me by others that it would be advisable to do so.

Q. Do you know of any other captains who made contributions? A. Not to my own knowledge, only what I heard, that they had.

Q. What did you hear? A. I heard that some had contributed.

Q. In the same way that you did? A. Yes, sir.

Q. Did you hand the money directly to Commissioner Martin? A. Yes, sir.

Q. And also to Commissioner Sheehan? A. Yes, sir.

Q. What did you say when handing the money? A. "Here is my contribution to the district."

Q. Now, did you pay any other moneys for any other purpose whatever to any other official? A. No, sir.

Q. Now, take for instance the promotion of men; can you tell us anything about how certain men procured their promotions?
A. Yes, sir.

Q. Please tell us? A. They paid for it.

Q. Can you give us an instance? A. Yes, sir.

Q. Give us an instance, please? A. Captain Martens was a patrolman in my precinct when I was a sergeant; he asked me to help him to be made a roundsman; he said he had been trying for some time and wanted to be made a roundsman; I told him he couldn't get it unless he paid for it; he asked me how much it would be; I told him I thought I could make connections with Captain Williams, that he could do it for him.

Q. Was Williams captain at the time? A. Yes, sir; I asked Captain Williams how much it would cost to make Martens roundsman; he said, \$300; he said, "You get the money and I will make him;" I got the \$300 from Martens, handed it to Williams, and he was made a roundsman.

Q. After Williams said that to you, you went to Martens?
A. Yes, sir.

Q. Did Martens tell you how he got the \$300? A. No, sir.

Q. But he gave it to you in cash? A. Yes, sir.

Q. Can you tell us the circumstances surrounding his handing you the money? A. He gave it to me in my room in the station-house.

Q. Was that in the Nineteenth precinct? A. In the Nineteenth.

Q. You were sergeant and he was patrolman? A. Yes, sir.

Q. Do you remember the denomination of the bills? A. No; I don't.

Q. How were they handed to him, in an envelope or in a roll? A. No, sir; in a roll.

Q. What did Martens say? A. He told me, "Here is the money."

Q. Did Martens tell you how he got the money? A. No, sir; he didn't.

Q. How soon after you got the money from Martens did you give it to Williams? A. The same day.

Q. On the same day? A. Yes, sir.

Q. What did you say to Williams? A. I told him this was Martens' money.

Q. What did he say? A. He took it, and Martens was made a roundsman.

Q. Did Williams ever say anything to you about that after?

A. No, sir.

Q. Do you know of any other specific case? A. Yes, sir.

Q. Tell us? A. Martens became a candidate for sergeant; he came to me again and wanted to know how much it would cost; I told him I didn't know; I would find out; I saw again Captain Williams, asked him how much it would cost to make Martens sergeant; he said, \$1,600; Martens brought me the \$1,600 and I handed it to Williams; Martens was not made sergeant for quite a while, and he commenced to run to my house and bother me about this money; he said, "Here, I have given you this money a couple of months ago and there is no sign of my being made sergeant;" I said, "Now, the captain has charge of this thing; you will be made in time; have patience;" and finally he began to press me so hard for the money that I couldn't hold him any longer; he wanted to know what he was to get for the money, I told this to Williams, and Williams put on his hat and coat and went down to headquarters and Martens was made a sergeant that day.

Q. Do you know of any other cases than the two that you have testified to? A. Well, I had a conversation with Martens about his captaincy when he was a candidate for captain; yes, he told me then it would cost him \$14,000.

Q. Fourteen thousand dollars? A. Yes.

Q. Did you have anything to do with his being made a captain?

A. No, sir.

Q. I want, with regard to Martens, to get the date; he was appointed roundsman on October 4, 1883; is that the time that he gave you the \$300? A. I guess so.

Q. I want to get it on the record? A. Well, it was a day or two before.

Q. About that time? A. Yes, sir.

Q. He was appointed sergeant on April 18, 1884; was it about that date that he gave you the \$1,600? A. About a couple of months before, because he commenced to get nervous about the money.

Q. What commissioner made Martens a captain? A. I think it was Commissioner McClave.

Q. Now, you know who held the money in that case? A. I heard it; I don't know of my own personal knowledge.

Q. Tell us the knowledge and the source of your knowledge?

A. I heard it was Inspector Williams and Charley Grant.

Q. Inspector Williams and Charley Grant? A. Yes, sir.

Q. Now, can you give us the source of your knowledge, from whom you heard it? A. No; I couldn't do that; it was simply a common rumor; I forget now where I did hear it; general talk around.

Q. Now, is there not another captain whom you know something of concerning his appointment, other than the one you have mentioned, a captain whose money was in the hands of a certain judge? A. Oh, that was a sergeant; I only heard that.

Q. Well, let us have that; because this matter coming into the department, it becomes competent? A. I don't think it would be hardly fair to give rumors; this was only talk; this was after Liebers was dismissed from the department; the talk went around that his father had given \$3,000 to have him made sergeant, and that his father was going around and saying that if he was not going to be restored to duty or reinstated he would make a kick about this money.

Q. The same day that you were made captain Stephenson was made a captain, I find by the record? A. No, sir.

Q. Who else was made a captain the same day? A. Doherty, Cross and McAvoy.

Q. Are you not mistaken about McAvoy? A. I am not, sir; there were four captains made that day; if you look at the record you will find that those are the men.

Q. That is right; he was made captain on December 8, 1890, the same day that you were? A. Yes, sir.

Q. Now, there was an Officer Whittle of the Nineteenth precinct; do you remember him? A. Yes, sir.

Q. A big stout fellow? A. Yes, sir.

Q. Wasn't it well known in the precinct that he had paid some money for his appointment? A. Yes, sir; he boasted about it.

Q. What were his boasts? A. Well, he said he had paid to get on; anybody could get on for \$300.

Q. Did he say to whom he had paid the money? A. No; I never heard that.

Q. Whittle is on the force yet? A. I think he is up in Morrisania somewhere; he was transferred some years ago from there.

By Chairman Lexow:

Q. When you made your contributions to the inspectors how did you arrive at the amount of money you were to hand them?

A. Oh, well, you generally judge what you thought was right.

Q. How did you come to that conclusion; was it a percentage of the whole amount you received? A. About that; yes, sir.

Q. About what was the percentage? A. About 40 or 45 per cent.

Q. From 40 to 45 per cent.? A. Yes; the collector would get twenty per cent.

Q. Was it your opinion that the inspectors knew the value of each of these precincts? A. Not exactly to the dollar, but pretty near.

Q. The general value of them? A. Yes, sir.

Q. Within a reasonable amount? A. Yes, sir.

By Mr. Goff:

Q. Now, captain, I know that you are somewhat weary? A. I am.

Q. I want to discharge you as soon as possible, and I may feel called upon to recall you at a later date to ask you further questions which may escape my memory just now, and which may occur to me meantime; I want that letter? A. Yes, sir.

Q. In fact, I would like that you send it down to my office to-morrow, will you? A. Yes, sir.

Q. That letter of Mr. Sheehan? A. Yes, sir.

Q. Is there anything else that occurs to your memory or recollection now that you feel bound and justified in testifying to, under your oath to tell the whole truth, without reservation, that I have not asked you? A. There is nothing that I can remember; I came here with the intention of telling the truth, and the whole truth without any reservation whatever, and I have done so to the best of my knowledge and the best of my conscience.

Q. In regard to the workings of the whole department? A. I have made a clean breast of everything I know.

Q. If anything has escaped your memory, if your memory be directed to any specific point and it recurs to you, you will notify me? A. I will certainly do so.

Q. You have come here and performed an act in the service of the State, which may subject you to criticism? A. I know it will.

Q. Possibly abuse; you understand that? A. I know it will.

Q. But is it not a fact that owing to the developments before this committee, showing the corrupt and rotten condition of affairs in the police department, you feel justified in coming forward and stating all you know? A. Yes, sir.

Q. For the benefit of the people of this city and of this State? A. I feel that the pillars of the church are falling and have fallen, and I feel in justice to my wife and my children that I should do this.

Q. The pillars of the temple have fallen; when you say the pillars of the church, that is, do you mean the structure of the police department? A. Yes, sir.

Q. You feel that the whole structure has been exposed to such an extent, and its inner rottenness and corruption so exposed, that you are justified in coming forward and stating your participation? A. Yes, sir.

Q. Now, captain, you have found in your long years of service, 22 years of service, that the police department of the city of New York has grown to be corrupt to the core; is it not a fact? A. Yes, sir.

By Senator O'Connor:

Q. Is there any recognition of merit at all in the department as now conducted, apart from money considerations or political influence? A. To a very small extent; it is either politics or money.

Q. So it makes no difference how good an ordinary policeman performs his duty, or how excellent his record, there is no promotion for him? A. There is in exceptional cases; where, for instance, a man committed some very meritorious act which would call upon him the attention of the public, where the commissioners would take action probably and promote him.

Q. But as a general rule he must either have political influence or money considerations? A. That is generally the case.

Q. That has a very demoralizing influence on the efficiency of the force, has it not? A. The rank and file are all right if only properly handled.

By Mr. Goff:

Q. The condition of affairs which has been sworn to by you touching the bribery and corruption in the police department, does it pervade the whole department? A. I want to say one thing in favor of Superintendent Byrnes; I really think that Superintendent Byrnes is an honest and fair man, and intends to do what is right, if he were really not hampered, and allowed to do what he wants to do; I think this is the secret of the whole trouble.

Q. Outside of this one man that you exempt, can you say that outside of this one man, that the system itself is corrupt? A. It is, to the core.

By Senator O'Connor:

Q. You think that if Superintendent Byrnes was not hampered by other forces, the police force would be well administered? A. I think they would; from my knowledge of the superintendent's character, and the way he has handled affairs.

By Chairman Lexow:

Q. How do you account for it that you didn't have to pay for your promotion? A. I was one of the favorable exceptions; a child of circumstances.

By Senator O'Connor:

Q. Were you a member of Tammany Hall at the time? A. No, I never was a member of Tammany Hall; I was a member of the Voorhis Democracy at the time Commissioner Voorhis was the head of it.

By Senator Bradley:

Q. Did you ever know of any other captain in your time to be appointed without paying for his appointment? A. I couldn't say that; I don't know what other captains did; I know I didn't.

By Senator Pound:

Q. Didn't you render some special services as sergeant during a strike or something of that kind before you were appointed.

Mr. Goff.—He has stated so.

A. I received honorable mention twice; I got the medal of honor from the department and also the gold and diamond

medal from the citizens of the precinct for raiding out the thieves there; I sent over 1,200 people to State prison whom I arrested myself in seven years as a detective.

By Chairman Lexow:

Q. Do you think that had something to do with your promotion? A. I think Commissioner Voorhis looked those matters over; I think he saw my two honorable mentions and the way I was treated by the citizens, and having made highest percentage before the civil service examination, 99 and a fraction, out of 35 or 36 applicants—I made the highest percentage, and he said when the promotions were made that he would take the highest man on the list, that is, taking his standing on the civil service list, his record in the department and his service as an officer; he took all into consideration, and upon the strength of that I was made a captain.

Mr. Goff.—Captain, we will excuse you from further attendance at this session with the understanding and, in fact, express instruction that in case we should call upon you, you will hold yourself in readiness to appear before this committee.

Chairman Lexow.—And the captain will consider himself still under subpoena.

Mr. Goff.—Certainly. Mr. Chairman, the commencement of the week now closing we fondly hoped that this would be our closing night, but inasmuch as we can not, through time occupied by examinations, and there are some interesting examinations yet remaining for us to go through with, we feel the necessity because of public interests and the interests of this committee to ask you to adjourn now until Wednesday morning. We will be here promptly on time and continue this investigation as long as we can.

Chairman Lexow.—Yes; but I think it is only fair to say this, Mr. Goff, that we can give but very little more time to open examinations; that it will be necessary for us to meet privately with the counsel and receive suggestions and formulate some plan for legislation. You must not forget that we are only one week away now from our legislative period, when we must go to Albany, and you know that nothing has been done, practically, in that line as yet.

Mr. Goff.—We have not had an opportunity.

Chairman Lexow.—We have not had time to do it; and inasmuch as we have now a general basis upon which legislation can be formulated, seems to me it ought to be considered

seriously whether it would not be better for us to go almost immediately into executive session when we reconvene next Wednesday.

Mr. Goff.—There are some matters which I will submit, and some witnesses which I think are in the category of necessary witnesses that we can not close this examination without. We will get through those examinations as rapidly as possible. There are a great many witnesses touching general matters, particular and incidental, whose testimony we would like to place upon the record. We will have to forego that pleasure, however, and limit ourselves to examination of the officials of the department as nearly as we can for the remaining time. As I say, I had hoped sincerely that we could have closed to-night. It has been a pretty laborious session upon us, but I know the committee always had that spirit, as I have had, to continue until the very last hour. I am ready to sit up nights with the committee after the testimony is closed to assist them in their labors.

Chairman Lexow.—This is the seventieth session of the committee, the seventieth day on which testimony has been taken. While we do not mind how much time we devote to a public service of this kind, yet it is absolutely necessary to make a report to the Legislature; and in order to make that report we will have to meet together and consult about matters of this kind. That is going to take, not hours, but days, and we have only a few days left now before the meeting of the Legislature.

Senator O'Connor.—It seems to me there can not be any remedial legislation until this committee reports. We have all the facts to make a complete case. A sufficient case has been made to justify any kind of radical legislation that the people of New York city may want.

Mr. Goff.—I think if you had nothing but to-day's testimony you would have quite enough.

Senator O'Connor.—Yes, New York city ought to have a reorganization of the police force as quickly as possible.

Mr. Goff.—I was prepared, Senators, to ask for a session on next Monday, in order to hurry the time; but inasmuch as that is Christmas eve and many of the Senators are away from their families and their homes, it would be against all precedent, sentimental feelings and everything of the kind to ask a session

on that day. So we will adjourn until Wednesday morning, and I hope the committee will get through as quickly as possible.

Chairman Lexow.—The committee stand adjourned until next Wednesday at half-past 10 o'clock.

Proceedings of the Seventy-first session of the committee, Wednesday, December 26, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, Jacob A. Cantor, George W. Robertson, Cuthbert W. Pound and Daniel Bradley.

John W. Goff, Frank Moss and W. Travers Jerome, of counsel for the committee.

Mr. Goff.—Is Sergeant Walsh in court? (No answer.) Patrolman McNally in court? (No answer.) Is there an officer of the Eleventh precinct here? (No answer.) I desire to place on record, Mr. Chairman and gentlemen, a letter referred to in Captain Schmittberger's testimony received from Mr. Sheehan, bearing Commissioner Sheehan's signature. "April 5, 1893. My dear Captain: "The bearer of this note, Mr. Proctor, has requested an introduction. I have known the gentleman for a number of years. During the years that I was secretary of the Aqueduct Commission, Mr. Proctor was connected with the commission. He is well and favorably known throughout the city, and recognized by all who know him as a thorough gentleman. Any favor conferred on him will be appreciated by, Yours very truly, John C. Sheehan." Affecting the relations testified to by Captain Schmittberger as between himself and Commissioner Sheehan, I have to place on record the following: "Commissioners' Office, Police Department of the City of New York, 300 Mulberry street, New York, September 19, 1893. Captain Max F. Schmittberger, Twenty-second precinct. My dear Captain.—I am interested in the bearer of this note, Thomas Murphy, of 422 West Twenty-ninth street. If you can get him appointed as conductor on the Broadway road, I would be much obliged to you. Very truly yours, John C. Sheehan, per A. F. S., Secretary."

"Commissioners' Office, Police Department of the City of New York, 300 Mulberry street, New York, September 25, 1893. Captain Max F. Schmittberger, Twenty-second precinct. My

'dear Captain.—Commissioner Sheehan desires me to write to you on behalf of the bearer, Charles Davis, 327 West Twenty-ninth street, who is anxious to be appointed a driver on the Eighth avenue road. The commissioner will appreciate anything you may be able to do for him. Very truly yours, A. F. Sherman, Secretary."

"Brown & Sheehan, attorneys and counselors-at-law, 258 Broadway, John C. Sheehan, Edward Browne. September 1, 1893. Captain Max F. Schmittberger, captain Twenty-second precinct. My dear Captain.—I have handed this note to the bearer, William Shroeber, 219 West Twenty-eighth street, and recommend him to present it to you. I am very anxious to get him a position on the Eighth avenue or other street railroad. If you can help him to get the place, I would be very much obliged. Very truly yours, John C. Sheehan."

Two of the letters which I have read are on the official paper of the police department, and one on the official paper of the law firm of Browne & Sheehan, of which Commissioner Sheehan is a member; and the one introducing Proctor is on a plain sheet of paper, no office heading, but signed by Mr. Sheehan personally.

Chairman Lexow.—Typewritten signature or written signature?

Mr. Goff.—Written signature. All are written signatures.

Chairman Lexow.—It does not substantially vary from the letter that has been published in the newspapers, does it?

Mr. Goff.—I have not read the letter, but from what I heard, Senator, I believe not. This is a letter received by Mr. Moss this morning, upon the office paper of "Browne & Sheehan, attorneys and counselors-at-law, John C. Sheehan, Edward Browne. December 24, 1894. Frank Moss, Esquire, Morse building, etc. Dear Sir.—I desire to thank you for the apparent kind word used by you in the following clipping, which was taken from one of the morning papers." This is the clipping: "Mr. Moss was asked about the genuineness of the letter Police Commissioner Sheehan has given out as the letter he gave Proctor introducing him to Captain Schmittberger. I can not say whether or not that letter is like the original, said Mr. Moss. It is in effect though; and I do not believe Mr. Sheehan would send out the letter unless it was genuine." The letter continues, "At a time when there appears to be a determination to

ruin and destroy me, whether rightly or wrongfully, I assure you that even these few words are appreciated. Yours respectfully, John C. Sheehan." It is simply a matter of signature, and the sensitiveness of these gentlemen. So far as this committee and this counsel are concerned I can say now publicly and officially that there never has been a determination or a wish to ruin or destroy Mr. Sheehan, or any other man, before this committee; and so far as this committee or its counsel have been, are concerned, or will be concerned in any matter relating to Mr. Sheehan, or any other man whose name has been mentioned before this committee, it is neither the purpose or intention to ruin or destroy any man; but, if his public acts be of such a nature that in the interest of the public he must be ruined or destroyed, then let ruin or destruction follow, not of our making, not our creating

Chairman Lexow.—Providing it is a ruin or destruction that naturally follows from the witness's own acts.

Mr. Goff.—That is what I say.

Chairman Lexow.—I do not think the letter necessarily implies a stricture upon this committee or its counsel.

Mr. Goff.—I want Captain Meakim. Is Captain Meakim in court?

Chairman Lexow.—He may be in the corridor.

Mr. Goff.—I do not think so, Senator. On my list he is returned as being sick. Captain Meakim has been in attendance some days last week any way, if not all the days. I am very sorry for the captain if he is sick. I would like him to become convalescent as soon as possible. It is strange the witnesses I wanted to call first this morning are sick. Officer Shalvey, take the stand.

Officer Edward Shalvey, recalled as a witness, testified as follows:

By Mr. Goff:

Q. How long have you been on the force? A. Thirty-three years and nine months.

Q. Thirty-three years and nine months? A. Yes, sir.

Mr. Goff.—I think that is the oldest active man in the service that we yet have had, Senators. He has been 33 years and 9 months on the force.

Q. You have not applied for retirement, officer? A. No, sir.

Q. And you are able to do duty? A. Yes, sir.

Q. Have you been acting as wardman for any length of time?
A. Yes, sir.

Q. What precinct? A. Seventh.

Q. Where? A. The Seventh, the Fourth, the old Seventeenth which is now the present Fourteenth.

Q. The present Fourteenth, that was the old Seventeenth? A. Yes, sir.

Q. Were you in any other precinct as wardman? A. The Twelfth.

Q. In any other precinct as wardman? A. No, sir.

Q. Were you in the Fifteenth? A. No, sir.

Q. Well, the Fourteenth is the station-house in Fifth street and First avenue, is it not? A. Yes, sir.

Q. And the Twelfth is Union Market? A. No, sir; Delancey and Attorney streets.

Q. And to what precinct are you attached now? A. I am attached to the Third precinct.

Q. That is City Hall? A. Yes, sir.

Q. How long were you wardman in the Fourteenth or the old Seventeenth? A. About nine months.

Q. What captain did you serve under? A. Captain Mount and Captain Siebert.

Q. Did you serve under any other captain in that precinct?
A. No, sir.

Q. When you went to the Twelfth precinct, Delancey street, what captain did you first serve under? A. Captain Webb.

Q. Is Captain Webb on the active force now? A. No, sir; he has retired.

Q. How long did you serve as wardman under Captain Webb?
A. It is about three years.

Q. What captain succeeded Captain Webb? A. Captain Dougherty.

Q. How long did you serve under Captain Dougherty? A. About a year and a half.

Q. What captain succeeded Dougherty? A. Captain Meakim.

Q. How long did you serve under Captain Meakim? A. Some where about the same time.

Q. What captain succeeded Meakim? A. Captain Schultz.

Q. How long did you serve as wardman under Captain

Schultz? A. From December, 1893, up to September last, when I was remanded to patrol duty.

Q. How long was that? A. About nine months.

Q. During you three years' service or thereabouts under Captain Webb, in that precinct, did you collect any money from houses of ill-fame in that precinct? A. I have not served three years in that precinct under Captain Webb; not quite three years; I went there in 1889, and Captain Webb was retired—no; I went there in 1888, and Captain Webb was retired in the fall, I think, or the summer of 1890.

Q. Well, from the fall of 1888 to the summer or fall of 1890, continuing about two years, did you collect money from the disorderly-houses — houses of ill-fame — in that precinct as ward-man? A. Yes, sir.

Q. Could you tell us the number of houses from which you collected? A. No, sir; because there are very few houses of prostitution in that precinct, very few.

Q. Did you collect from any other persons than the keepers of disorderly-houses? A. Yes, sir.

Q. What other persons? A. Liquor dealers.

Q. Liquor dealers? A. And pool-rooms.

Q. And policy shops? A. Yes, sir.

Q. Any other class of people that you collected money from? A. No; I think not.

Q. That all? A. That is about all; yes, sir.

Q. Now, we have it; keepers of houses of ill-fame, liquor dealers, policy shops and pool-rooms? A. Yes, sir.

Q. These four classes? A. Yes, sir.

Q. And you collected every month from each of these four classes, did you? A. Yes, sir.

Q. Now, by whose orders or directions did you make these collections? A. Well, it being the custom, it came from the captain's knowledge.

Q. Did you have any conversation with the captain with reference to it? A. Not unless there would be trouble.

Q. And in case there were trouble? A. Then we would try and suppress them.

Q. Even though they paid? A. Yes, sir.

Q. How was that, officer; explain that to us? A. Well, if there was a house of ill-fame or a disorderly-house in any street

or block that was complained of by any respectable person, why, we would remove them from there.

Q. Even though they had been paying? A. Even though they had been paying.

By Chairman Lexow:

Q. You receive protection on the assumption that they behave properly? A. Yes.

Q. If they had not behaved properly, so complaints were made, you considered then the protection they paid did not protect them? A. No, sir.

By Mr. Goff:

Q. In such cases as those you have described were there any threats made by the keepers of these houses to squeal? A. I haven't heard so.

Q. I suppose you were indifferent about such threats? A. Well, no; I was not indifferent.

Q. Well, there never had been any cases of squealing among those people, had there, that is, been charges against you, for collecting the money? A. No, sir.

Senator O'Connor.—I wish you would ask the witness what he means about disorderly-houses acting orderly, and having no trouble.

Mr. Goff.—We will get at that in a moment.

Q. The point of that is, officer, is it not, that these houses would go on and conduct their unlawful business, provided some citizens did not complain of them, or some public outrage was not committed in them? A. Yes, sir.

Q. That is about the size of it? A. That is it, sir.

Q. And when you said they should conduct their places in the proper manner, you meant that their places should be conducted without attracting public attention? A. Yes, sir.

Q. So as to compel the police to act? A. Yes, sir.

Q. That is the idea? A. Yes.

Q. Now, will you tell us what you did every month; just tell us how you went to work, and what you did? A. Well, I used to go wherever these places were, or they would come to me and hand me the money, and I would put it in bulk and hand it to Captain Webb, and he would allow a certain portion for myself.

Q. What is that; 20 per cent.? A. I can not tell; it might be less, or might be more.

Q. Was there any understanding as to the allowance between yourself and the captain? A. No, sir.

Q. Now, you were not in uniform at that time? A. No, sir.

Q. And, practically speaking, that formed the main part of your business—your duty? A. Yes, sir.

Q. About what scale did you assess those houses, those people, the pool-sellers, the policy dealers, the liquor dealers, and the houses of ill-fame? A. Well, a pool-room at that time was paying \$50 a month.

Q. How much? A. Fifty dollars a month.

Q. Was that sum arrived at by agreement between yourself and the pool-room keepers? A. Yes, sir.

Q. Well, and how much were the policy dealers paying? A. Twenty dollars a month.

Q. And how much were the liquor dealers paying? A. They were paying about \$2 a month.

Q. About \$2 a month? A. Yes, sir.

Q. How much were the houses of ill-fame paying? A. From \$10 to \$25.

Q. According to the house, I suppose, and the number of inmates, I suppose? A. Yes.

Q. What was the average you collected during those months from all sources? A. The highest average, or the average?

Q. Yes; the average. A. It amounted to \$400.

Q. Sometimes you went over that? A. Yes, sir.

Q. Could you give us the highest amount you ever collected per month there? A. I may have collected \$600.

Q. Now, about the liquor dealers, for instance, that small sum is somewhat extravagant; how did you come to accept from them or collect from them about \$2 a month? A. I never collected from them; that was given through the association.

Q. Through the local association? A. Yes, sir.

Q. By the secretary of the association? A. By the president.

Q. By the president of the association; and were there any liquor dealers there who were not members of the local association? A. Yes, sir.

Q. Who did not pay? A. Yes, sir.

Q. What was the penalty to the liquor dealers who did not pay; or the advantage to the liquor dealers who did pay? A. The advantage was that they would not be arrested, those that

paid, on Sunday; we would protect them as well as could be; very often they were arrested.

Q. And those that did not pay were liable to be arrested on any Sunday? A. Yes, sir.

Q. That was the understood agreement? A. Yes, sir.

Q. Between the Liquor Dealers' Association and yourself? A. Yes, sir.

Q. Who was the president of the Liquor Dealers' Association at that time? A. Alderman Clancy.

Q. With regard to the pool-rooms, the policy-shops and the disreputable houses, you went to each of those places, did you, or they went to you? A. No, sir; it was brought to me; I sometimes would go to the pool-room myself.

Q. But generally it was brought to you? A. Yes, sir.

Q. To the station-house? A. Yes, sir.

Q. Was there a designated place? A. Yes, sir.

Q. Where was the designated place? A. Well, I used to meet the man at his house.

Q. At your house? A. No; at his house, collecting the policy.

Q. Whose house? A. Mr. McCabe's.

Q. He ran all the policy-shops in that precinct? A. No, sir; not all; there was another man by the name of Mr. Friedman that used to come and pay.

Q. But between the two they ran all the policy-shops? A. Yes; they paid for them.

Q. They represented them? A. They represented them; yes, sir.

Q. Now, as to the keepers of houses of ill-fame, how did they pay? A. Well, they paid in \$10, \$15 and \$20.

Q. How did they give you the money; was it through an agent or representative? A. Sometimes through an agent and sometimes directly.

Q. Who was the agent at the time they paid through an agent? A. Max Hochstein.

Q. Now, the pool-rooms, did they pay individually, or collectively through an agent? A. Individually.

Q. You know, officer, though that Max Hochstein, as a matter of notoriety and common knowledge, was a professional straw bondsman around Essex Market police court? A. I can't say about being a professional straw bondsman.

Q. You have heard of it? A. I have read of it.

Q. Outside of what you read of it did you not hear it through the precinct? A. I thought he had property enough to go on those bonds.

Q. You knew he went frequently on those bonds in the police courts? A. No; I do not know personally myself; he went frequently on them; I know he has been on bonds.

Q. If I am not mistaken I think that the green goods people did not make a headquarters in your precinct? A. No, sir.

Q. You had nothing to do with those? A. No, sir.

Q. Now, months that you collected \$600 while Captain Webb was in command of the precinct, how much did you give Captain Webb out of that \$600? A. He used to take it, and give it to me.

Q. You gave him the whole sum? A. Yes, sir.

Q. And he returned you a certain portion of it? A. Yes, sir.

Q. But you said, as I understood you, 20 per cent.? A. About that.

Q. Now, did the captain ever go over with you the list of the houses so that he knew your accounts were right and straight? A. No, sir.

Q. And that you were turning in all the money you collected? A. No, sir.

Q. There never was any talk about that? A. No, sir.

Q. Did you ever tell him the number of houses or number of persons? A. Yes, sir.

Q. Did you ever hand him a memoranda in writing, or list of the houses or persons from whom you collected the money? A. No, sir.

Q. Well, he was pretty well aware of the persons—the number of persons who were paying money, and who should pay? A. Yes, sir.

By Chairman Lexow:

Q. He knew how much he was entitled to receive monthly from you? A. That would vary; some months it would be more and some months less.

Q. Substantially the amount? A. Yes, sir.

By Mr. Goff:

Q. Did you pay to Captain Webb all the money that you collected every month while he was captain of that precinct? A. Well, there may be some little instances that I did not.

Q. Well, was there any month while he was captain of that precinct in which you did not pay him money that you collected? A. No, sir.

Q. This little instance that you speak of, were they the exceptions? A. Yes, sir.

Q. Those were little things that you picked up yourself? A. Yes, sir.

Q. And that you thought belonged to yourself? A. Yes, sir.

Q. Now, this money was paid to Captain Webb, was it not, he being the captain of the police in that precinct, as a bribe from those people who were violating the law that he would not interfere with them in their violation of law? Yes, sir.

Q. Was that not what it was paid for? A. That is about what it was paid for; that is what I understood.

Q. That is what the people who paid you the money understood they paid you for? A. Yes.

Q. And you as agent for the captain received it from those people to give it to him? A. Yes, sir; I wish to correct, Mr. Goff, that under Captain Webb's administration there I had not collected any policy money myself under his administration; I collected liquor dealers, and pool-rooms, and others, and disorderly-houses, but no policy under Captain Webb's administration.

Q. Were there any policy-shops then there? A. Yes.

Q. How did they pay for protection? A. Through somebody else.

Q. Through somebody else; not through you? A. No, sir.

Q. And all those people who paid to you, Officer Shalvey, when they paid they paid to you as the representative of the captain? A. Yes, sir.

Q. They knew that? A. It was so understood.

Q. And you stated to those people at one time or another, that the money was for the captain, did you not? A. I may have said so; but I can not remember any instance.

Q. As a matter of fact it was for the captain? A. Yes.

Q. And you turned over your collections every month to the captain? A. Yes, sir.

Q. Do you remember any circumstances of which the captain spoke to you about the moneys? A. I can not.

By Chairman Lexow:

Q. Was it an agreement between you and the captain for you to receive 20 per cent.? A. No, sir.

Q. Then you received that, or received that money, as the result of a general custom? A. Yes, sir.

Q. And when you speak of general custom, you mean a custom applying to other precincts in the city to your knowledge? A. No, sir; I do not know of that.

Q. The custom you know of existing in your own particular precinct? A. In my own particular precinct.

By Mr. Goff:

Q. Now, we want to have this matter clear upon the record, that all the moneys that you collected from the sources which you have described and named, you turned the moneys over to the captain in the first instance? A. Yes, sir.

Q. And whatever compensation went to you was given by the captain to you after you had given him over the money in gross? A. That was under Captain Webb's administration in that way.

Q. I am talking about Captain Webb; now, what shape did you hand the money over to the captain? A. In bills.

Q. In the station-house? A. Yes, sir.

Q. Were they in roll, or in an envelope? A. In a roll.

Q. What were they? A. In a roll.

Q. Did he count the bills as soon as you gave him the roll? A. Yes, sir.

Q. And after he counted the bills he gave you some compensation for collecting the money for him, is that it? A. Yes.

Q. And you accepted it as a compensation for collecting the money for him, did you not? A. Yes, sir.

Q. Could you tell us, officer, how much money you paid to Captain Webb altogether while he was captain of your precinct? A. No, sir; I could not.

Q. You were over two years there, were you not? A. From 1888 to 1890 under Captain Webb.

Q. What part of the year 1888? A. I was present there — I

think it was from February, 1888, and Captain Webb was retired August, 1890.

Q. So that that would be two years and six months you were acting under Captain Webb and you paid him on an average of \$400 a month? A. No; not as much as that.

Q. I am striking an average; some months you paid him as high as \$600; you collected for him around as high as \$600? A. Not under Captain Webb as high as that; that was when the policy firms paid.

Q. I am directing your attention to the captain, and I wish you to proceed step by step, because that is the way we can get the matter clear on the record; what was the average that you paid Captain Webb; give us the average as nearly as you can approximate? A. It might be about \$300.

Q. About \$300 a month; by computation, officer, that would amount to the sum of \$9,000 while you were acting for Captain Webb in that precinct, according to computation; two years and six months, that would be \$3,600 a year from that source alone? (No answer.)

Chairman Lexow.— Just \$9,000.

Q. Well, after Captain Webb left the precinct, what captain succeeded him? A. Captain Doherty.

Chairman Lexow.— Will you not ask him whether he knew of anybody else who collected during that time for policies for Captain Webb; he says he did not?

By Mr. Goff:

Q. Just answer that question; you say you did not collect from policy under Captain Webb; do you know whether any one else collected policy for him? A. I understood that Mr. McCabe used to do it.

Q. The man from whom you afterward collected it? A. Yes.

Q. That he paid the money directly to the captain? A. I don't know.

Q. You understood that? A. No; but he paid for the policy men.

By Chairman Lexow:

Q. To somebody else who collected for the captain? A. Yes.

By Mr. Goff:

Q. Policy shops, as matter of fact, were in operation at that time in the precinct, were they not? A. They were.

Q. And they were not interfered with by the captain? A. No.

Q. Now, you say Captain Doherty succeeded Captain Webb; how long did he remain in command; I think it was nine months you stated? A. Oh, longer than that; 17 or 18 months.

Q. That is from 1890, in the month of August, until 1892? A. Until the spring of 1892.

Q. Well, did you make collections from these various places under Captain Doherty? A. Yes, sir.

Q. Did you then make collections from the policy dealers? A. Yes, sir.

Q. How was the change made; McCabe, as you understood, doing the collecting while Captain Webb was there, and when Captain Doherty came you made the collections, or McCabe; how were these collections made? A. By myself.

Q. Tell us the process? A. I saw Mr. McCabe and told him to pay the money to me.

Q. Did you get any suggestion or direction from the captain to do that? A. No, sir.

Q. You did that on your own motion? A. Yes.

Q. On your own responsibility? A. Yes, sir.

Q. And after you saw McCabe, did he pay the money? A. Yes, sir.

Q. Now, we have it under Captain Doherty that you described the houses that you collected from while you were collecting under Captain Doherty? A. That is about the same.

Q. Let us have it on the record, please; I would rather have it in your words than mine? A. The classes of the places were policy shops, pool-rooms, liquor dealers and disorderly houses.

Q. Was the same procedure substantially observed by you under Captain Doherty that you followed under Captain Webb? A. Yes, sir.

Q. But you collected more money under Captain Doherty than you did under Captain Webb? A. Yes, sir.

Q. How much money did you collect under Captain Doherty's administration of that precinct? A. Well, it might be \$400 or \$500.

Q. Four hundred dollars to \$500 a month? A. Yes, sir.

By Chairman Lexow:

Q. Was \$500 the outside limit? A. I could not say positively.

Q. Could it be \$600? A. No.

By Mr. Goff:

Q. You said before it was \$600, the highest? A. Yes; the highest.

By Chairman Lexow:

Q. Was that under Captain Doherty? A. I think it was.

Q. Are you not certain about it? A. No, sir; I am not certain about it—no, it does not.

By Mr. Goff:

Q. How was your compensation or share arranged for between Captain Doherty and yourself? A. Well, there was no arrangement; I deducted then what I thought.

Q. You did not give him the whole sum? A. No, sir.

Q. But you deducted what you thought should be your compensation? A. Yes, sir.

Q. Was that it? A. That was it, sir.

Q. Did he raise any objection to that? A. No, sir.

Q. Was there any question between you as to the amount you deducted? A. No, sir.

Q. When you gave him the money did you tell him how much you gave to him, and how much you kept for yourself? A. I may have at times.

By Chairman Lexow:

Q. Do you remember whether you did or not? A. I think I did.

Q. Why did you make the change? A. I don't know why I made the change.

By Mr. Goff:

Q. You thought in dealing with a new captain you would be on the safe side? A. That is about the size of it.

Q. Well, now, after Captain Doherty, and during the time he was commander of that police precinct, you, by his authority

and approval, collected money from the keepers of houses of ill-fame, keepers of policy shops, of pool-rooms, and liquor dealers? A. Yes, sir.

Q. And you collected that money from them as a bribe to be given to the captain, so that the captain would allow them to violate the law without any interference on his part, or the part of his men in that precinct? A. That was the intention.

Q. That was the understanding on which all those several people gave you the money? A. Yes, sir.

Q. And the understanding with which you collected it? A. Yes, sir.

Q. And it was the purpose that you gave the captain that money as the result of your work, was it not? A. Yes, sir.

Q. Who was the collector—who was the representative of the liquor dealers during that time, Captain Doherty's administration? A. Alderman Clancy.

Q. The same man, Alderman Clancy? A. Yes, sir.

Q. And McCabe for the policy dealers? A. Yes, sir.

Q. The other places I presume you followed the same course? A. Yes, sir.

Q. The pool-rooms and keepers of disorderly-houses? A. Yes, sir; the same course.

Q. Have you stated the average amount of money that you gave to the captain each month? A. Stated to him?

Q. To Captain Doherty? A. Well, it used to vary from \$300, \$400 to \$500 a month.

Q. And during that time, and while this money was being paid to the captain every month, these several places were not interfered with by the captain or his men? A. Not unless they became obnoxious to the residents.

Q. The same thing occurred that occurred—the same rule that was followed—that was adopted under Captain Webb? A. Yes, sir.

Q. That is, unless complaint was made by some responsible citizens, or unless a robbery was committed, or some public breach was committed that attracted attention to these places, they were not interfered with? A. No, sir.

Q. It was only in that case, when the police were driven to interfere with them, that they were interfered with? A. Yes, sir.

Q. Could you give us an approximate idea of the amount

that you paid Captain Doherty while he was in that precinct?
A. I don't think I could.

Q. You see there were 12 months in the first year, and you paid from \$300 to \$500, that would be striking an average of \$400 a month? A. Yes, sir.

Q. That would be \$4,800 in the year; and then there were five months more, I think—17 months altogether, wasn't it, he was in that precinct? A. About that; more or less.

Q. That would be \$400 a month—\$2,000; that would be \$6,800 that you paid in gross according to your own calculation? (The witness nods his head affirmatively.)

Q. All that money you paid to Captain Doherty was paid to him as a bribe? A. Yes, sir.

Q. From the persons that you have described who were in habitual violation of the law, to him as police captain to let them violate the law, to continue to do so; is that the fact? A. Yes, sir; that is the presumption.

Q. That is what? A. Yes, it was presumed.

Q. Was not that the actual fact; not what it was presumed; was it not the actual fact? A. Yes, sir; it was.

Q. Did you hand the money to Captain Doherty in the same manner you handed it to Captain Webb? A. Not in the same manner; no, sir.

Q. How did you hand it to Captain Doherty? A. As I stated before.

Q. I mean outside of the detective; I mean, did you hand it to him in his hand? A. Yes, sir.

Q. In a roll? A. Yes, sir; in bills.

Q. In the station-house? A. Yes, sir.

Q. About the early—at the early portion of every month, I suppose? A. Yes, sir.

By Chairman Lexow:

Q. In bills? A. Yes, sir.

By Mr. Goff:

Q. The very bills you collected? A. Yes.

Q. Who succeeded Captain Doherty? A. Captain Meakim.

Q. And Captain Meakim went there some time in 1892? A. Yes, sir; I think it was in 1892.

Q. And how long did Captain Meakim remain in command of the precinct? A. About the same time as Captain Doherty, somewhere in that vicinity, somewhere about 17 or 18 months.

Q. That would bring him into the end of 1893? A. Yes, sir.

Q. During Captain Meakim's command of that precinct did you go on and collect from these places as you had before? A. Yes, sir.

Q. Now, will you name me the places, please, in your own way as you did before? A. Pool-rooms, policy.

Q. Liquor dealers? A. Not from the — yes; I collected from liquor dealers.

Q. And houses of ill-fame? A. Yes, sir.

Q. Did you have any conversation with Captain Meakim when he went into the precinct to take command with regard to the collections? A. No, sir.

Q. This thing was assumed as a well-established custom; was it not? A. It was.

Q. So that it was not necessary to speak about it; it was taken as a matter of course—for granted? A. I would not say that.

Q. Well, we will say the first month that Captain Meakim went there, you went on and made your collections as usual; did you not? A. Yes, sir.

Q. And you handed the money over to him as usual? A. No; I done the same as with Captain—

Q. I know, leaving that out of the way, without regard to continuation, if you handed the money over to him as usual? A. Yes.

Q. He did not refuse it? A. No, sir.

Q. He did not ask you how you got it? A. No, sir.

By Chairman Lexow:

Q. Did he express any surprise at you handing him over money? A. No, sir.

By Mr. Goff:

Q. How much money did you hand over to Captain Doherty; how much money a month? A. Captain Doherty?

Q. Or to Captain Meakim, I should say? A. It might average about \$500 or \$600; I think the highest was in his time.

Q. Will it strike an average of \$500? A. No, sir; it would not.

Q. Well, \$400; from \$400 to \$600? A. About \$400, I should think.

Q. As an average? A. As an average.

Q. During Captain Meakim's time did McCabe pay for the policy shops? A. Yes, sir.

Q. And did Clancy pay for the liquor dealers? A. No, sir; there was no liquor dealers' collection under Captain Meakim's administration.

Q. What was the cause of the change? A. I have no idea.

Q. Why was it that you did not see that Clancy paid as usual?

A. I know—I remember I had some information not to collect any.

By Chairman Lexow:

Q. That was in what year? A. Eighteen hundred and ninety-two.

By Mr. Goff:

Q. Now, as a fact, officer, wasn't it brought to your knowledge that instead of the liquor dealers paying to the police, that the liquor dealers insisted on being relieved from paying to the police throughout the city? A. I don't know anything about that.

Q. How did it come to your knowledge not to collect from them; what was the cause? A. I can not understand what the cause was; because I do not know.

Q. Will you tell us who told you not to collect from them? (The witness shakes his head in the negative.)

By Chairman Lexow:

Q. Who told you? A. I think it was Captain—I will correct myself, that Captain McCullagh was transferred there after Captain Doherty was transferred away; but Captain McCullagh only remained there 24 or 48 hours; and that was the conversation that came up, not to collect any.

Q. With Captain McCullagh? A. Yes, sir.

Q. Just explain how it was that some months you got \$600 and other months as low as \$300; what was the reason for the difference in revenue? A. Well, under Captain—

Q. I mean under the same captain? A. The difference was

that some of these houses of ill-fame would go out, and be closed up, and stop.

Q. Did they pay "initiation fees," so called? A. Some did, and some did not.

By Mr. Goff:

Q. For opening? A. Some did.

By Chairman Lexow:

Q. As high as \$500 for a house? A. No, sir.

Q. How high was the largest "initiation fee" you charged?
A. Fifty dollars.

By Mr. Goff:

Q. Fifty dollars? A. Yes.

Q. Well, any way, after you had this conversation with Captain McCullagh, with relation to the liquor dealers, you understood it was not to be hereafter a custom to collect from the liquor dealers? A. Yes, sir.

Q. They had made other arrangements? A. I don't know.

Q. Now, to return to Captain Meakim, during his command of that precinct we have it that you collected from the pool-rooms, the policy shops and the houses of ill-fame? A. Yes.

Q. Didn't you collect some money from liquor dealers directly?
A. Yes, sir.

Q. Under what circumstances did you collect from liquor dealers directly? A. Well, some of them that did not belong to the association, and did not wish to belong to the association, would sooner pay directly.

Q. And you collected from them directly? A. Yes, sir.

Q. How was that collection made; we are interested to know how was the collection made from the liquor dealers who did not belong to the association? A. Well, I would go and see them myself, and they would pay.

Q. How did you find out the liquor dealers that did not belong to the association? A. Oh, I had a list.

Q. You had a list? Who furnished you with the list? A. Nobody.

Q. How did you get it? A. I used to get the list of the liquor dealers from Clancy when they paid the money.

Q. Did you ever hear it said at that time that the members of the Liquor Dealers' Association, whether local or central, were to exhibit in their stores a certificate of membership and when that would be observed no collection would be made; do you remember anything about that? A. No, sir.

Q. Did you ever hear of it? A. I have heard of it; I do not know it.

Q. Did you ever see such certificates of membership displayed in the stores? A. I have seen certificates of membership of the Liquor Dealers' Association; yes, sir.

Q. Well, what did the amounts foot up to that you gave to Captain Meakim? A. A month?

Q. Yes, per month? A. Well, sometimes it would be more, sometimes less, may be \$300 or \$350; I think under Captain Meakim there was more paid because—I think it was under his administration that the policy shops paid double what they formerly did.

Q. That is the sum was raised to \$40 a month? A. From \$10 to \$20.

Q. From \$10 to \$20 in that district; yes, that is so; how was that sum raised? A. I had no knowledge of that.

Q. You say you had been collecting \$10 per month before; how did you come to collect \$20? A. I never collected from the policy dealers.

Q. From Mr. McCabe you collected \$10 a month for the policy shops? A. Yes, sir.

Q. When he came to pay you \$20 a month for some of the policy shops, what was said about the increase in the amount?

A. Well, we had a conversation as to—that I understood some places was paying \$20, and of course I insisted on the same.

Q. Some places, that meant other precincts? A. Yes, sir.

Q. And you wanted your precinct to hold its end up as well as in the other precincts? A. Just the same.

Q. About that time was there not a general understanding in all the precincts, and by all the captains in the city at that time, or about that time, that the policy shops should be raised from \$10 to \$20 a month? A. I don't know.

Q. You heard in other precincts they were raised to \$20? A. I heard they were raised.

Q. And you followed suit? A. Yes, sir.

Q. Did you observe the same practice with Captain Meakim that you did with the previous captains in retaining a portion of the money that you thought yourself entitled to? A. Yes, sir.

Q. How did you hand Captain Meakim the money? A. In a roll.

Q. The same? A. The same.

Q. The identical bills you collected? A. Some; some of them; some of them was not.

Q. How would the change be effected? A. I might make change for somebody of may be a bill, and put other money into it that I would not know.

Q. But substantially it was the same money? A. Substantially; yes, sir.

Q. And this money that you paid to Captain Meakim every month was paid to him as a bribe by the liquor dealers, the policy shop keepers, pool-room keepers, and the keepers of houses of ill-fame, that they would be allowed by him to violate the law in conducting their unlawful business? A. That was the presumption.

Q. And it was for that purpose and with that intention that you, as his agent and representative, collected that money from all those places? A. Yes, sir.

Q. And you handed it to him as an agent hands the money collected for his principal; is that so? A. Yes, sir.

Q. And during that time these people who paid these bribes to the captain through you were not interfered with in their unlawful business? A. Sometimes they were.

Q. I will come to that in a moment; were they interfered with as a general thing? A. No, sir.

Q. They were only interfered with in cases where complaint was made or public attention drawn to some outrage committed in the place, and the police were driven to do something? A. Yes, sir.

Q. But if those complaints were not made, or in cases where complaints were not made, or outrages, or assaults, or robberies committed, the police did not interfere with the unlawful business of each of these places, did they? A. No, sir.

Q. And the captain and the police were well aware that these houses existed and were conducting an unlawful business? A. Yes, sir.

By Senator Pound :

Q. Did you ever meet with any refusal to pay from people engaged in this class of business, or did they all pay as matter of course? A. They all paid as matter of course.

Q. No one refused? A. No.

By Chairman Lexow:

Q. The fact is they would have been closed up if they did not pay? A. Try to close them up; yes, sir.

Q. It was either pay up or shut up, that was it, was it not? A. Yes, sir.

By Mr. Goff :

Q. How long was Captain Meakim in command of that precinct? A. About 16 or 17 months, somewhere in that neighborhood.

Q. And you paid him on an average say three to four hundred dollars a month? A. Yes, sir.

Q. That would be about \$5,000? A. Yes.

Q. According to the time he was in command there, and the sums that he received from you, according to computation? A. Yes, sir.

Q. What captain succeeded Captain Meakim? A. Captain Schultz.

Q. Do you remember when Captain Schultz went into the precinct to take command? A. I think it was December, 1893.

Q. How long did Captain Schultz remain in command of that precinct? A. Up to the time that I was transferred, last September.

Q. To patrol duty? A. Yes, sir.

Q. That is from December? A. From December to September.

Q. From December, 1893? A. To September, 1894.

Q. That is about nine months? A. Yes, sir.

Q. Under Captain Schultz did the collections go on? A. There were no pool-rooms I don't think under Captain Schultz; you understand when I say pool-rooms, there was only one pool-room in the precinct.

Q. You think there was no pool-room there under Captain Schultz? A. I don't think there was.

Q. The other things existed, the disorderly-houses? A. Yes, sir.

Q. And the policy-shops? A. Yes, sir.

Q. And the liquor dealers that did not belong to the association? A. Yes, sir.

Q. You collected from these several places, liquor dealers, policy-shops and houses of ill-fame, as you did under the previous captain? A. Yes, sir.

Q. From the same persons, substantially? A. No, sir; they changed very often.

Q. How was the change effected and in what direction? A. Changed because they could not make a living at it.

Q. You mean the individual keepers? A. Yes, sir.

Q. I did not mean that; I meant the persons through whose hands the money went—the policy men? A. Oh, just the same.

Q. The same? A. Yes, sir.

Q. What was about the amount that Captain Schultz received per month? A. About \$300 or so.

By Senator Pound:

Q. Right up to the time the change was made in September, continued just the same, right along up to September? A. Yes, sir.

By Mr. Goff:

Q. So that, officer, even beneath the terrible frown of the Lexow committee the collections went on just the same? A. Yes, sir.

Q. The old, old story continued, is that not so? A. Yes, sir.

Q. And while as matter of fact, while there were exposures made, and being testified to before this committee since last April or May, right along the collections continued unbroken, did they not? A. Yes, sir; not to such an extent.

By Chairman Lexow:

Q. And the captains took the money in the same way? A. Yes, sir.

Chairman Lexow.—It seems incredible.

By Senator O'Connor:

Q. What would have become of you if you had refused to collect this money? A. I suppose I would have lost my position there, probably, that is my detective position, which is more desirable than that of a patrolman.

By Chairman Lexow:

Q. You do not do anything else but collect? A. Yes, sir; I have got a good police record.

Q. When you are not collecting you go around and try to detect crime, do you? A. Yes, sir; arrest crime, such as larcenies, burglaries and all such crime; I have got a record to show that I have done my duty, good police record.

(Examination of the witness suspended to accommodate Dr. Judd.)

Albert M. Judd, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. Where are you employed, doctor? A. At the New York hospital.

Q. House surgeon there, doctor? A. Yes, sir.

Q. Have you got a patient there by the name of Blood? A. We have.

Q. Under any other name? A. No, sir.

Q. Is that the name she is under? A. Yes, sir.

Q. When did that patient go in the hospital? A. I don't remember; it was in the vicinity of three weeks ago; I didn't have a chance to look up the date.

Q. What is the ailment? A. She has a fracture, I think, of the neck of the femur.

Q. Give it to us in plain American? A. Fracture of the thigh.

Q. Have you examined her thigh? A. I have.

Q. Was it a recent fracture? A. I think it was about a week old at the time that she came in there; she had been treated outside, as I understand it, before she entered the hospital, about a week; I couldn't tell from the examination how old it was, of course.

Q. Well, doctor, when you say broken, or when you say fractured, are we correct in saying the patient is there with a broken thigh? A. Yes, sir.

Q. Did you hear anything at all about that patent having been under subpoena when that broken thigh occurred? A. I did not.

Q. Did you hear anything about that patent being a witness sought for by the Lexow committee? A. I have not.

Q. Up to the present day? A. Up to the present day, yes, sir.

Q. And you swear here, doctor, that that patient is now in bed suffering from a broken thigh? A. I will swear I think she is, yes, sir.

Q. Why do you say you will swear you think; I don't want your thoughts, doctor, I want the fact? A. Well, I can't swear to a certainty, I don't think.

Q. Can you say that she is there with a broken thigh or not? A. I will say I think she is suffering from a broken thigh; I am not supposed to know as much as my superiors there; but the diagnosis has been corroborated.

Q. You are house surgeon there? A. Yes, sir.

Q. Have you examined this woman? A. I have.

Q. Can you swear as a result of your examination and from your medical knowledge that that woman is suffering from a broken thigh? A. I will swear that I think she is.

Q. Is that as nearly as you can come to it?

By Senator O'Connor:

Q. From your experience and knowledge is she or is she not suffering from a broken thigh? A. From my experience I should think she was, yes, sir.

By Chairman Lexow:

Q. What process did you apply? A. What do you mean, what treatment did I put her under?

Q. Under what process of detection; there are two methods of detection, are there not? A. There are, yes, sir.

Q. Did you apply the two or three methods that exist for ascertaining that fact? A. I applied all that I knew of.

By Mr. Goff:

Q. You couldn't apply any more, doctor? A. No, sir.

Q. I assume, doctor, that you have no purpose whatever to aid any witness in obstructing or refusing to attend in obedience to the process of this committee? A. I have not.

Q. Nor none on the general staff of that hospital? A. I think they have none.

Q. Who is the consulting surgeon there, or the surgeon or physician that has specific knowledge of the condition of this woman? A. Dr. Louis J. Stimpson.

Q. He has specific knowledge? A. I think he has, yes, sir; he is the man whom I am working under.

Q. Did he diagnose the case, Dr. Stimpson? A. He did.

Q. Is the woman confined in bed, doctor? A. She is.

Q. Is she in condition to be moved? A. No, sir.

Q. Can you tell us, doctor, if she is in condition to have her testimony taken if such should be deemed necessary? A. Yes, sir; she is.

Samuel Lobenthal, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. You are a practicing lawyer of this city? A. Yes, sir.

Q. Been at the bar for a good many years? A. Yes, sir; 17 or 18 years.

Q. And your office is where? A. One hundred and fourteen Nassau street.

Q. Did you know Mrs. Blood? A. Yes, sir.

Q. Did you act as conveyancer for her as well as attorney for her in any real estate transactions? A. Yes.

Q. What year? A. Oh, I was attorney for her in searching a title on Twenty-ninth street about 1886-1887.

Q. Do you remember the number of the house which you searched title for? A. On Twenty-ninth street?

Q. Yes? A. I don't know; it is next to the Little Church Around the Corner, that is all I know.

Q. That is No. 11 East Twenty-ninth street? A. Yes, sir.

Q. That house is being pulled down now to have the Little Church extended there? A. So I understand.

Q. It is the same house, is it not? A. Yes, sir.

Q. Immediately adjoining? A. Yes.

Q. I think that is No. 13 East Twenty-ninth street; you searched the title for your client, the purchaser? A. Yes, sir.

Q. And you supervised the conveyance to her of this property? A. Yes, sir.

Q. Now, Mr. Lobenthal, of course you do your duty as an attorney; the business of your client had no concern with you?

A. None whatever.

Q. You are simply a real estate conveyancer; but as a matter of fact you knew her business and the purpose for which she was purchasing this house? A. She bought it for the purpose of making a present to her daughter.

Q. But you knew that she had been keeping houses of ill-fame? A. Well, I heard so.

Q. I am not asking for your personal knowledge; I am asking simply from your knowledge derived from all the surrounding circumstances; this woman is now sick in the New York hospital and you are here as a lawyer; at the time of this transaction and from the *res gestae* of the transaction, Mr. Lobenthal, did this woman make any statement to you touching why she purchased this house and under what circumstances? A. No; she bought it in the regular way, that house.

Q. What did she tell you? A. I think you are a little on the wrong track, Mr. Goff; she bought that house from Hunts.

Q. I may be on the wrong track, but I will first try to get on the right one; did you search title for her for any other house? A. No, sir.

Q. Is that the only house? A. Yes, sir.

Q. Did she at that time tell you about purchasing any house under compulsion of any police official? A. The only piece of property she owned at that time was this house on Twenty-ninth street.

Q. Did she tell you that at any time that she had been compelled to purchase property under compulsion of any police official? A. Well, I am placed in this position, Mr. Goff, I am her attorney, and in any communication which took place the relation of attorney and client existed.

Q. But that was not in relation to this particular house; it was a voluntary communication on her part? A. No, sir; it was not; she consulted me as her attorney.

Q. In relation to the purchase of this house? A. No; it was not the purchase of 109 West Thirty-first street.

Q. Was it in relation to the purchase of another house? A. She was the owner of that at the time, for some time previous.

Q. Now, we have the other house, 109 West Thirty-first street; Did you have any relation with her touching the purchase of that house? A. No, sir.

Q. You did not act in searching the title there? A. No, sir; the title was not searched.

Q. It was taken without search? A. Yes.

Q. Do you know from whom the title went or devolved? A. Yes.

Q. Whom? A. Madame Perot.

Q. That was the well known French madam, was it not? A. Yes.

Q. And it was well known that that house had been a house of prostitution? A. I think so.

Q. This woman went and told you something about the purchase — pardon me; at the time, Mr. Lobenthal, you were acting as her attorney? A. Well, I was in different matters; I had nothing to do with the purchase of the house 109 West Thirty-first street

Q. And in relation to other matters you were acting as her attorney? A. Yes, sir.

Q. Do you know of any reason in the ordinary course of business between client and counsel, that you would not have been her attorney to search that title for her, in the ordinary course of business? A. No, sir.

Q. Then there were some special reasons why there was not a search made? A. I don't know anything about that.

Q. Did she give you any special reason? A. No, sir.

Q. Did she say anything to you about it? A. About the searching of the title?

Q. Yes? A. No, sir.

Q. Did she say anything to you about the purchase of the house and why she purchased it? A. No, sir.

Q. Did she say anything to you as to being compelled to purchase the house? A. Well, I think she did as far as that is concerned.

Q. Now, let us have that, Mr. Lobenthal? A. Well, I don't think it was right for me to testify as far as that was concerned, Mr. Goff; I think it is a privileged communication between attorney and client, and I ought to avail myself of that privilege; the lady is in existence and you can produce her.

Q. We can not produce her, unfortunately; her thigh is broken and she is in the New York hospital; otherwise I wouldn't have called you on the stand; I ask you now — this is not of course a court of justice; we all understand that; you as a lawyer understand that; it is a proceeding in the interest of public morality and decency, and I ask you now as a reputa-

ble member of the bar to repeat to this committee what you repeated to me; I will not repeat it without your permission, of course; I ask you as a reputable member of the bar and in the interest of the city of New York to repeat to this committee what you repeated to me, and what I know of outside of your statement; I must say I knew of it before you told me? A. Well, as matter of fact, Mr. Goff, you repeated to me the statement what you heard about this woman being compelled to purchase that piece of property.

Q. Yes, that is true? A. And I told you, I think, that that is about the state of affairs; you never asked me to be a witness in this matter, and of course the lady expected herself to go upon the stand and testify as to the statement.

Q. We subpoenaed you this morning? A. Yes, sir; I am here under subpoena this morning.

Q. Of course when we issue a subpoena we intend to use the party subpoenaed as a witness; I do not intend to betray any confidence; this is not a professional secret? A. I consider it such, Mr. Goff.

Q. How did I get possession of it? A. I don't know, not through me.

Q. I appreciate the position you are in as a brother lawyer; I ask you now and I put the direct question to you, if it is not true that that woman at that time told you that she was compelled by Captain Williams to purchase that house as a house of prostitution? A. Well, I would like to avail myself of the privilege, Mr. Goff and Mr. Chairman; I think it is a communication between attorney and client, and I think that ought to be a sacred privilege.

Chairman Lexow.—If the witness pleads his privilege the committee will have to sustain him; it is a fundamental privilege, and we have no right to violate the confidential communications between client and attorney; it seems to me, Mr. Goff, you can prove the same proposition, if this witness has spoken to others in reference to that fact.

The Witness.—I never spoke to Mr. Goff about it; Mr. Goff as matter of fact spoke to me about it.

Mr. Goff.—That is right.

Chairman Lexow.—If the witness has disclosed this fact, while it be hearsay evidence, we have taken evidence of that kind.

The Witness.—I never had any conversation with anybody in reference to this matter except with Mr. Goff.

Q. This morning? A. No; not this morning; some time ago at your office; you sent for me.

Q. Now, Mr. Lobenthal, as a matter of fact, outside of the conversation, did not that woman pay from \$7,000 to \$10,000 more for that property than the property would have brought in the open market at sale? A. She paid considerably more than the market value, yes, sir.

Q. Fix the amount—\$7,000 to \$10,000, was it not? A. Well, the consideration expressed in the deed is \$29,000; I presume the actual value of the property is about \$20,000.

By Senator O'Connor:

Q. Was \$29,000 actually paid? A. Yes, sir.

By Chairman Lexow:

Q. Was the value of the property at that time worth only \$20,000? A. Well, I don't think it increased or decreased since.

By Mr. Goff:

Q. You plead your privilege, Mr. Lobenthal, do you? A. I think, yes, Mr. Goff.

By Chairman Lexow:

Q. If you only think about it? A. I plead that privilege.

Q. If you plead your privilege and say you will not answer because of that fact we will sustain you; on the other hand, if you say you think you won't, we won't sustain you.

By Mr. Goff:

Q. You plead your privilege? A. I do, sir.

Edward Shalvey recalled, and testified as follows:

By Mr. Goff:

Q. During the period of time that you were collecting under Captain Schultz and while this committee was in session, was there ever anything said between yourself and the captain as to the danger of continuing in the collections in view of the

presence of this committee in the city? A. Well, I wish to state, Mr. Goff, that the collections during the time this Senate committee has been in session were not such as they were prior to that.

Q. That is in amount? A. That is in amount, or the places; virtually there was not only but few collections from liquor stores and the policy shops; there was no pool-room.

Q. How about the houses of ill-fame, they went on paying all the same? A. There might have been one or two places.

Q. So far, there may have been a difference in the quantity, but there was no difference in the quality? A. No, sir.

Q. I ask you if there was anything said between yourself and Captain Schultz as to the danger of making these collections while the Lexow committee was in session? A. There might have been.

Q. As matter of fact, when you reflect now, there was; don't you remember on one occasion where the captain told you to be extremely careful in making these collections on account of this Senate committee? A. No, sir.

Q. Did any person who had been in the habit of paying this money say anything to you about the Lexow committee? A. There has been general talk about it in different ways, at different times, under different circumstances; I couldn't recall what the conversation was.

Q. There was some talk particularly about the houses of ill-fame lying low until after the Senate committee left New York? A. No, sir.

Q. What was the amount of money that you collected per month while Captain Schultz was in command? A. Five hundred dollars.

Q. A month? A. About \$500 or so.

By Chairman Lexow:

Q. During the time that this committee was in session? A. Yes, sir; the policy was raised.

Q. You raised on the policy shops? A. No, that was under Captain Meakim that it was raised.

By Mr. Goff:

Q. Now, officer, this money that you collected from the various stores you handed over to Captain Schultz every month less your collection fees? A. Yes, sir.

Q. Now, I want you to give us in your own words the places or at least the classes of persons from whom you collected this money just the same as you did before, if you so collected from them? A. Policy shops.

By Senator Pound:

Q. About how many policy shops under Captain Schultz? A. Well, there may be 19 or 20, or may be 22 — more or less.

Q. That is \$40 a month? A. Twenty dollars.

By Mr. Goff:

Q. Well, policy shops — what else? A. Yes, there was one or two disorderly-houses.

Q. What else? A. Liquor dealers.

Q. What else? A. I guess nothing else.

Q. Pool-room? A. No, sir.

Q. No pool-room? A. No, sir.

Q. Nothing else but those three classes, policy shops, liquor dealers and disorderly-houses.

By Senator Bradley:

Q. Were there any gambling-houses? A. There were poker-rooms; there was no such thing as regular gambling-houses in the precinct.

By Senator Pound:

Q. How much did the disorderly-houses pay? A. From \$10 to \$20.

Q. You say there were only two under Captain Schultz, what did they pay? A. I think it was \$20 and \$25.

Q. And how many liquor dealers paid? A. Ten or 15.

Q. And how much did they pay? A. The average was \$3 a month.

By Mr. Goff.

Q. All the persons who paid this money to you, whether policy dealers, liquor dealers, houses of ill-fame, they paid it to you as the representative of the captain and for the captain? A. They understood who I was.

Q. And that was the person for whom you collected, the captain? A. Yes.

Q. Now, follow my question, please; the policy dealers paid you this money every month as a bribe? A. Yes, sir.

Q. Not to be interfered with in their business as policy men? A. Yes, sir.

Q. That is to the captain through you? A. Yes, sir.

Q. The liquor dealers paid this money every month to the captain through you not to be interfered with in their violations of the Excise Law? A. Yes, sir.

Q. The keepers of the houses of ill-fame paid this money to the captain through you not to be interfered with in keeping disorderly or disreputable-houses in the violation of law, is that not so? A. Yes, sir.

Q. And all this money that you collected was paid as a bribe to the captain of that police precinct for his not interfering with the several persons for violations of law? A. That was the presumption; yes.

Q. And that they should be allowed to continue their business in violation of law? A. Yes, sir.

Q. According to your figures, officer, that would be about \$4,500 you paid Captain Schultz altogether while he was in that precinct?

Chairman Lexow.—About \$500 a month—\$6,000.

Mr. Goff.—Nine months.

The Witness.—Nine months.

Q. That is about \$4,500 in round figures? A. Yes.

Q. Nine months, about \$500 a month? A. I can not tell the exact amount.

Senator O'Connor.—Less the percentage.

Q. According to the amounts you collected and the amounts you paid him that would approach the whole amount; is that not so? A. About that, I think.

Q. Did you hand Captain Schultz money collected by you the same as you did to the other captains? A. Yes, sir.

Q. And during Captain Schultz's command of that police precinct these several persons who were conducting unlawful business and who paid these bribes every month were not interfered with in the conduct of that unlawful business, were they? A. Yes, sir; they were.

Q. Was it in the exceptional cases that you have spoken of before? A. Yes, sir.

Q. In case of complaint or outrage or robbery or something having been committed? A. No, sir; it was because we wanted to drive them out of the precinct.

Q. I know; but even in the process of driving them out the money was being collected from them? A. Not up to, I think, last May, except the policy and the few liquor dealers.

Q. They kept paying? A. Yes, sir.

Q. Then the presence of this committee exercised a little influence? A. Yes, sir.

Q. This being Christmas time it reminds me; were there any Christmas presents collected for any of the captains while you were there; any of the four captains you have named? A. I have no knowledge of any.

Q. You had a partner, had you not? A. Yes, sir.

Q. Did he do any of the collections? A. At times he would tell me if a certain person was looking for me and I knew what he was looking for, I would tell him to get it.

Q. And then did he turn it over to you or the captain? A. To me.

Q. So that you were the financial man of the precinct? A. Yes, sir.

Q. Were there ever any collections made from the push-cart men—peddlers? A. I understood there was; yes, sir.

Q. Did you ever make any collections? A. I never made any collections; no, sir.

Q. Or did you ever get any money from them? A. Yes, sir.

Q. What amount? A. I don't know.

Q. Did you turn that in the general collection fund? A. I got that I think only under Captain Meakim's administration.

Q. How was that new field of enterprise discovered or pointed out to you? A. It was not pointed out to me; there was an ordinance officering the precinct that used to do that business.

Q. He used to attend to that; did the money go through your hands? A. Yes, sir.

Q. You did not do the direct collecting from the push-cart peddlers? A. No, sir.

Q. This ordinance man did that; how much did he collect from the peddlers? A. I couldn't tell.

Q. How much did he turn over to you? A. I don't know.

Q. How did he turn it over to you? A. In an envelope.

Q. Was it sealed? A. Yes, sir.

Q. You had nothing to do with that? A. Only to pass it over.

Q. Did he ever tell you how much he collected? A. No, sir.

Q. When you passed it over to the captain, did you tell the captain from whom you had received it and for what purpose?

A. He knew.

Q. Was there any address upon the envelope or any figures marked indicating the amount contained? A. No, sir.

Q. Did you ever derive information as to how much the push-cart peddlers paid? A. No, sir.

Q. You never made any direct collections yourself? A. No, sir.

Q. Now, we have evidence here that the soda-water dealers on the stands, little stand-keepers also paid; had you anything to do with that? A. No, sir.

Q. Did any one to your knowledge? A. Not to my knowledge.

Q. Did any money paid by them pass through your hands? A. No, sir.

Q. Outside of the push-cart peddlers were you aware that the storekeepers were paying also for police protection through the ordinance man? A. No, sir; I was not, only from hearsay.

Q. Who was the ordinance man that made these collections? A. Officer Larkins.

Q. Where is he now? A. In the precinct up town; I think Fifty-first street.

Q. Ordinance man yet? A. No, sir; patrolman.

Q. Did it pass through your hands at any time for any captain in that precinct any other collections made by any other persons from any sources other than those you have testified to? A. Yes, sir.

Q. What were those collections? A. Collections of \$50 every three months.

Q. From what source? A. From Mr. Herman that kept a lumber yard down at the foot of Delancey street.

Q. What was that paid for? A. I presume it was to prevent complaints being made against him for violations of the ordinance.

Q. That is for occupying the street with his lumber? A. Yes, sir; more or less.

Q. Street leading down to the dock? A. Yes, sir.

Q. Who handled that money, officer? A. I did.

Q. Directly? A. Yes, sir.

Q. Did you give that to the captain less whatever your collection fee was? A. Yes, sir.

By Senator Bradley:

Q. How many captains did you give that money to, that \$50 every three months? A. The four of them.

Q. The four captains? A. Yes, sir.

By Mr. Goff:

Q. You did not create that source of revenue, did you; you found it there? A. Yes, sir.

Q. Were there any other lumber dealers or occupants of docks or warehouses that paid? A. I don't know.

Q. Any of the iron works for instance down on the river, down Goerck or Lewis street? A. No, sir; I don't know anything of that.

Q. Did you collect any money—is Harmony Hall in your precinct? A. No, sir; Harmony Hall is in the Eleventh precinct.

Q. Walla Hall? That is in the Eleventh precinct, I think.

Q. That is not in yours? A. No, I don't collect it; I used to collect from Apollo Hall.

Q. What street? A. Clinton street.

Q. How much was collected from Apollo Hall? A. I went there, it was the custom; he paid \$40 a month for six months.

Q. What did he pay that for? A. For protection.

Q. Was it in relation to the Excise Law? A. That I don't know; an officer would be sent there when they would have any balls or weddings.

Q. It was in consideration that the keeper or proprietor of that hall should not be interfered with in selling wines, ales, liquors, beer on Sunday or after 1 o'clock at night? A. That I don't know; I never used to be in there at that time.

Q. That place was frequented by the aristocracy of the east side? A. It was a place where they had balls, parties and weddings—respectable house.

Q. Did you ever meet with Jimmy McFadden and the Duchess there? A. I don't know them.

Q. Any other halls beside Apollo Hall? A. There were other halls in the precinct.

Q. That paid? A. Yes, sir.

Q. What halls were there in the precinct that paid? A. Hall in Grand street.

Q. What is the name of that hall? A. I can not recall it.

Q. What part of Grand street? A. Near Clinton.

Q. Was it Oriental Hall? A. No, sir.

Q. Was Golden Rule Hall in your precinct? A. No, sir.

Q. How much did you collect from this hall in Grand street near Clinton? A. When I did get it it would be \$10 a month.

Q. Were there any dime museums in your precinct down the lower end of Grand street? A. No, sir.

Q. Now, officer, I want to ask you under what captain did this Apollo Hall money go? A. All of them.

Q. What six months of the year was this, was it the winter months? A. Yes, sir.

Q. And that money you collected from them went into the general fund that you collected from the other sources? A. No, sir; I used to hand them that.

Q. That was special; was it given in an envelope? A. No, sir.

Q. You got the money in bills? A. Yes, sir.

Q. And handed it to each captain directly? A. Yes, sir.

Q. Now, officer, did you not obtain passes there for the captain from the street railway companies? A. I might have sent after their pass-book when it was run out.

Q. As matter of fact the captain and the sergeants had pass-books upon the street railways in that precinct? A. Yes, sir.

Q. And yourself, of course? A. Yes, sir.

Q. Are there any theaters in that precinct? A. No, sir.

Q. Were you not sent to some theaters on the Bowery for passes? A. No, sir.

Q. Never? A. No, sir.

Q. How about Houston street ferry and Grand street ferry? A. No, sir.

Q. Were there not passes for those ferries? A. No, sir.

Q. Passes for anything else but the street railways as far as you know? A. That is all.

Samuel Martens, called as a witness on behalf of the State, being duly sworn, testified as follows :

By Mr. Goff :

Q. Now, Captain Martens, I think it was last Wednesday or Thursday I spoke to you about your wife being here? A. Yes, sir.

Q. And I sent you after her; you told me then in the morning that your wife was at home? A. When I left home; yes, sir.

Q. When you left home that morning, and I spoke to you about recess — is that so? A. Yes, sir.

Q. And you left the court-room to bring her right down here at our request? A. Yes, sir.

Q. And then you came down and told me that she had left for Northport? A. Yes, sir.

Q. And you told me then that she would be back last Saturday morning? A. Yes, sir.

Q. So that she would be home to spend Christmas, of course? A. Well, I don't know anything about that, whether she would or not.

Q. That was my suggestion; I don't say that you said that; now she is in Northport yet? A. Yes, sir — well, I won't say that, she may have arrived this morning after I left.

Q. I know; but on what did you base your statement to me that she would be here last Saturday morning? A. She wrote that way.

Q. Have you got the letter? A. Not with me; I had the last letter I received on the 24th.

Q. And did you write to her in response to the letter that you received from her saying that she would be here on last Saturday morning? A. I sent her brother up.

Q. You did not write? A. No, sir.

Q. That is a pretty well understood thing among the police captains to write as little as possible these times, is it not? A. Well, I never write letters.

Q. It is a safe practice; you informed me this morning, captain, you have an interesting family of five children? A. Yes, sir.

Q. Has your wife ever been away Christmas before since you have been married to her? A. No, sir.

Q. Had a Christmas tree? A. No, sir.

Q. Your children have been without the loving care and affection of their mother this Christmas? A. Necessity called it.

Q. What is the necessity? A. Her brother-in-law is dying, not expected to live, probably dead by this time.

Q. Her brother-in-law? A. Yes, sir; her sister's husband is alone there with two little children and nobody with her; I have her mother living with me, she is taking care of the house.

Q. That is a good trait in your character, Captain Martens, to have your brother-in-law with you; now Captain Martens, we want Mrs. Martens here? A. Well, give me time until to-morrow morning and I will have her here.

Q. On your word you will have her here? A. I will send and have her here to-morrow morning.

Q. Meantime, I want you to bring your bank-books, if you please? A. Mine?

Q. Yes? A. I have none.

Q. Well, I am telling you to bring your bank-books here? A. All right, sir.

Q. And also to tell Mrs. Martens to bring her bank-books here, of any kind or description? A. Yes, sir.

Q. And please bring your deeds to whatever real estate you hold, and whatever real estate she holds? A. All right, sir.

Chairman Lexow.— Be here at half-past 10 o'clock to-morrow morning.

Mr. Goff.— Is Detective-Sergeant McCloskey here? (No response.)

Detective-Sergeant Maloney here? (No response.)

I want Detective-Sergeants Heidelberg, Reck, Jacobs, Reilly, Van Glarcon, Connor, Adams, McManus and Armstrong.

Mr. Jerome.— They are all sitting in Part I of the Superior Court.

Mr. Goff.— Will you go out, sergeant, and see how many of these officers there are there, and have them here after recess.

We ask you, Mr. Chairman, to instruct all witnesses under subpoena to report here promptly at the reconvening of the committee after recess.

Chairman Lexow.— All witnesses under subpoena for this morning will attend here again at half-past 2 o'clock sharp; the committee will stand adjourned until that time.

AFTERNOON SESSION.

New York, December 26, 1894.

Present.—Senators Clarence Lexow, Daniel Bradley, Jacob A. Cantor, Cuthbert W. Pound and Edmund O'Connor.

And counsel as before.

Dr. David Webster, a witness called on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. You are a practicing physician in this city? A. Yes, sir.

Q. For a number of years? A. Yes, sir.

Q. We have served a man by the name of Hollingsworth with a subpoena and it has been reported to us that he is ill and under your charge; is that so? A. Yes, sir.

Q. Now, of course, from your standing and reputation, Dr. Webster, I assume, without further questions, that you will tell us the exact condition in which that man is and whether or no he is in a condition to appear before this committee in answer to that subpoena? A. Yes, sir.

Q. Tell us, please? A. Mr. Hollingsworth has a severe inflammation in one of his eyes; he has had trouble with that eye for a great many years; if you will allow me to refer to a note, I will tell you when I first saw him.

Q. It isn't necessary, doctor. A. He had an operation performed upon that eye by Dr. Agnew with the hope of saving it, and he got along with it pretty well until some time this last summer, approaching the autumn, I think, and he was in the country and he had a sever inflammation come on; and as soon as he returned to the city in October, I think it was, he came to see me, and after several visits I advised him to have the eye taken out; he was having constant pain with it, and sometimes painful enough to keep him awake nights; the vision was very faint, and I think it is now entirely gone; I have advised him to have the eye taken out and have seen him several times since; he is not quite ready or quite willing; his relatives oppose the operation, I believe, and he is afraid of it, and the consequence is that he is trying to keep the eye in his head, and he is staying at home; he can not go to business while his eye is in this condition.

Q. Is he suffering pain, doctor? A. Suffering pain.

Q. Would it be safe for him, or would it prejudice the condition of the eye, or the operation, if he were to come here and

attend before this committee? A. I believe it would; I believe it would endanger his other eye; I am afraid he will lose his other eye if he does not consent to the operation before many weeks.

Q. This committee has been endeavoring for many months to open the eyes of the people and not to close them; so we will not insist on Mr. Hollingsworth coming here if he will lose the other eye. A. He couldn't come here with my consent.

Mr. Goff.—I beg leave to spread upon the record an affidavit made by a resident of the State of New Jersey and whom we have been trying for some time to get here before this committee. The most we have succeeded in getting so far is his affidavit, and under the circumstances I beg leave to submit the affidavit to support a matter about which I wish to ask certain police officials to lay the foundation for questions touching this matter. It is as follows: "I have for several years past been connected with the Monmouth Park Race Track Grounds, situated in Monmouth county, N. J., in the capacity of detective and other employment. I have seen Detective Crowley, Detective McCloskey, Detective Maloney and other detectives of superintendent Byrnes' detective force, whose names I can not at this time recall, on the Monmouth Park Race Track Ground. These detectives have often pointed out crooks and criminals on the above named grounds, to the New Jersey officers, and have even gone so far as to go to the police headquarters with any arrests that were made, and give the whole history of the criminals. It is my opinion that these detectives were paid for their services by the racing association. I have known Superintendent Byrnes' detectives to be on the racing track grounds for the last 10 years.

STATE OF NEW YORK, }
County of New York, } ss.:

Personally appeared before me J. Frank Patterson, who, being of lawful age, deposes and swears that the foregoing statement is true in every particular, to the best of his knowledge, belief and understanding.

J. FRANK PATTERSON.

Sworn to and subscribed before me, }
this 22d day of December, 1894. }

B. FRANKLIN WEBB.

Notary Public, New York County, 216.

(Paper marked Exhibit 1 of this date.)

Philip Reilly, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff.

Q. You are a member of the municipal police force of the city of New York? A. Yes, sir.

Q. For how many years? A. Thirty-one.

Q. How long have you been a detective-sergeant? A. I have been a detective about 25 years, and a detective-sergeant about —

Q. You have been on the detective force of this city for about 25 years? A. Yes, sir.

Q. How many summers have you been on duty down at Monmouth Park Race Track? A. Never one in my life.

Q. Never one? A. No, sir.

Q. How many summers have you been on duty at the Saratoga Race Track? A. Probably six or seven.

Q. By whose orders did you go there? A. I don't know that I can answer that exactly; I had a vacation; every time I went there I went there on my vacation.

Q. But you were there longer than your 10 days? A. No, sir; I was never longer than my vacation.

Q. What was your vacation? A. Last year 15 days.

Q. Who granted the vacation, the commissioners? A. Yes, sir; the commissioners.

Q. You performed the duties of a police officer at the Saratoga Race Track Association, did you not? A. Well, sir, I had been going there a great number of years, and I connected with the chief of police of that town and would point out to him or his men any thieves that I seen on the track during my stay at the place, or any suspicious—

Q. I want to get quickly to the point; were you acting under any orders or directions from any of the police officials of the city of New York? A. No, sir; I didn't.

Q. Did you receive any compensation for that? A. I did, yes, sir.

Q. Where did that compensation go? A. To myself, personally.

Q. Into your own pocket? A. Yes, sir.

Q. Did you share it with any one? A. No, sir.

Q. Did you make any reports to the police department of the city of New York? A. No, sir; I didn't.

Q. Were there other officers with you there? A. Yes, sir; Mr. Von Gerichten used to help me.

Jacob Von Gerichten, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. You have been on the detective force of this city for a number of years? A. Yes, sir.

Q. You are a member of the municipal police force of the city of New York? A. Yes, sir.

Q. You have been attending the Saratoga Racing Association in company with your partner, Sergeant Reilly? A. I have on three occasions, yes, sir.

Q. Were you sent there in compliance with any orders or in pursuance of any one's orders? A. I have taken my vacation, which was allowed, and went up there.

Q. Were your services of a nature that Sergeant Reilly's services were? A. Just about the same; I stood at the gate, and any person that went in there that was not right I pointed them out.

Q. Did you get compensation? A. I did, sir.

Q. Where did that compensation go to? A. I paid my expenses at Saratoga with it.

Q. To yourself? A. Yes, sir; individually.

Q. Nobody else? A. No, sir.

Q. Did you report to the New York police department or to any officer thereof? A. I was on my vacation, sir.

Q. Answer my question; did you report to the police department or any official thereof touching the services that you rendered to the race track at Saratoga? A. I did; to Sergeant Blodgett, of Saratoga.

Q. I know, but I ask you officials of the New York police department; did you report to them? A. No, sir.

Q. Did you attend the racecourse at Monmouth Park? A. No, sir.

Q. Never? A. I have on one occasion.

Q. For how long? A. Only one day.

Q. What was it, a day off? A. I took a half a day's leave.

Q. Did you receive compensation for your services down there? A. No, sir.

Q. Did you ever receive any compensation for your services at Monmouth Park? A. No, sir; never.

Michael Crowley, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. You are a member of the Municipal police of the city of New York? A. Yes, sir.

Q. And you have been a detective sergeant for how long? A. Since 1881.

Q. Have you ever attended the racing at Monmouth Park? A. Yes, sir.

Q. For the whole season? A. No, sir.

Q. What, a visit for the day? A. A part of the time.

Q. Were you on duty there? A. No, sir.

Q. Were you paid for your services there? A. I received some pay, yes, sir.

Q. From whom? A. I think it was a man named Kroft; I forget his name.

Q. Connected with the race track association? A. Yes, sir.

Q. How much did you receive? A. I think I got \$125 or \$130, I ain't sure.

Q. How many days did you render services for that sum of money? A. I went there for about 20 half days.

Q. About 20 half days? A. Yes, sir.

Q. Now, at that time your pay was running on in the city of New York, was it not? A. I was on my vacation.

Q. I am asking you the question? A. Yes, sir.

Q. You cut up your vacation into half days? A. Yes, sir.

Q. By whose consent? A. I asked permission of the inspector.

Q. Inspector Byrnes? A. Yes, sir.

Q. And you told him where you were going? A. I asked him permission to go to the race track; yes, sir.

Q. You told him where you were going, down to Monmouth Park? A. Yes, sir.

Q. When you got down to Monmouth Park, you assisted the local authorities? A. If I saw a thief on the track I would point him out to the deputies.

Q. Was there any agreement between the authorities of Monmouth Park and yourself as far as compensation was concerned? A. No, sir.

Q. They gave you what they liked? A. Yes, sir.

Q. And after you had rendered the service? A. Yes, sir.

Q. Was that more than one season? A. Five or six years.

Q. Was that the sum you obtained each year? A. About that; yes, sir.

Q. How much? A. One hundred and twenty-five dollars or \$130.

Q. Each year? A. Yes, sir.

Q. Was that for yourself alone or for division with any other person? A. Myself.

Q. And you kept it? A. And I kept it and spent it; yes, sir.

Q. I don't care what you did with it? A. I kept it; yes, sir.

Q. You regarded it as your own property? A. Yes, sir.

Q. Were you under any arrangement or agreement with any other person to divide the money you received at Monmouth Park? A. No, sir; with no person.

Q. How many officers were there, do you know, of the police department besides yourself? A. Four or five or six; there might be six; five I know.

Q. At the same time? A. Well no, they wouldn't be all together at the same time.

Q. On and off? A. Yes, sir.

Q. During the racing days of the season? A. Yes, sir; sometimes there would be two or three and sometimes there would be four there; just according as they could get away.

Q. Did you attend other race tracks besides Monmouth Park in the same capacity? A. No, sir.

Q. Is that the only race track you have attended? A. That is all, sir; yes, I went to Jerome Park in this city.

Q. I mean outside of the city? A. No, sir.

Q. Of course, you had a right to go to Jerome Park in the city? A. Yes, sir.

Q. I mean outside of the city? A. No, sir.

Q. Did you attend Morris Park? A. I went there once and a while.

Q. Did you render services to the authorities? A. No, sir.

Q. What was that, a private visit? A. Yes, sir.

Q. Now, these other detective sergeants that we have called here, do you recognize them as brother officers? A. Yes, sir.

Q. That went down on the same conditions? A. Reilly and Von Gerichten I never saw there.

Q. But the other officers here? A. Yes, sir.

Q. So as to save time, have you any knowledge whether or no the compensation that they paid to you was paid to your brother officers? A. Yes; it was paid to them.

Q. In the same way? A. Yes, sir.

Q. And under the same circumstances? A. Yes, sir.

Alexander S. Williams, called as a witness on behalf of the State, being duly sworn, testified as follows:

Mr. Goff.—All witnesses are excused for to-day.

Chairman Lexow.—All witnesses under subpoena for to-day will present themselves here to-morrow morning at half-past 10 o'clock; they stand excused for to-day.

Examined by Mr. Goff:

Q. On the 3d of August, 1866, you were appointed a patrolman of the police force of the city of New York? A. Correct.

Q. What was your business then? A. Ship carpenter.

Q. May I ask what was your age, about? A. I think about 24.

Q. You had been working at your trade about that time of ship carpenter? A. Part of the time; yes, sir.

Q. You had not been engaged in any business on your own account, had you? A. Yes and no.

Q. Give us the yes, and give us the no, if you please? A. I was engaged in business in China and in Japan.

Q. Commercial business? A. No, sir; I had charge of a dock yard in Shanghai, and also in Hong Kong.

Q. Have you any objection to telling us when you joined the police department, whether you were well off or poor in this world's goods? A. I was fairly well off.

Q. Have you any objection to telling us the substance? A. Possibly \$15,000 or \$20,000.

Q. In what shape was that? A. I owned the house I lived in.

Q. What house was that? A. It was in Brooklyn.

Q. Give us the location? A. It has been pulled down; there is a large flat on the ground now.

Q. Give us the street? A. Leonard.

Q. Did you have any other real property? A. No, sir; yes, I had six or eight building lots in Japan.

Q. As a matter of interest for speculative people, how did they measure the lots there? A. I think they are about 30 by 200, I should judge; I am not sure.

Q. Have you ever realized on those lots in Japan? A. No, sir.

Q. Had you any other real property in America? A. No, sir.

Q. Except the house and lot that you lived in? A. No, sir.

Q. When did you sell that house and lot? A. I couldn't exactly tell you, Mr. Goff.

Q. About how many years after your appointment? A. May be the year I was appointed.

Q. Do you know how much you got for it? A. That I couldn't say.

Q. Five thousand dollars? A. I got more than that, I think; that I ain't sure.

Q. You say it was a frame house? A. Yes, sir.

Q. And in those days frame houses in Leonard street didn't rank very high in the market? A. No, but the lot was worth something.

Q. Yes; \$5,000 was considered a fairly good price for a lot there on Leonard street at that time? A. It may have been, some parts of it; I think \$5 would have been a fair price for some parts of it.

Q. I am speaking of the part you occupied; you think \$5,000 was about the sum you got for that place? A. It may have been; yes, sir.

Q. Well, you said you were worth about \$20,000; would you be good enough, or have you any objection to telling us where the balance of the \$20,000 came in, allowing your house to be worth \$5,000? A. I had it in cash.

Q. In what bank? A. I didn't have it in bank, sir.

Q. In what shape had you it in cash? A. I had it in a safe belonging to a friend.

Q. In bills? A. Yes, sir.

Q. How long had you been having it in the safe belonging to a friend? A. I couldn't tell you, sir.

Q. Will you tell us, please, how much money you had in bills? A. I couldn't tell you, sir.

Q. Had you in your estimate of \$20,000, had you the difference between \$5,000, the value of your house, and the \$20,000? A. I couldn't tell you, sir.

Q. Can you not approximate? A. No, sir.

Q. Can you not tell us within \$5,000? A. It is 30 odd years ago.

Mr. Goff.—No, it is not.

Senator O'Connor.—To be accurate, it is 28 years ago.

Q. I am speaking of the time immediately preceding your appointment? A. It is 28 years ago; 29 next August.

Q. What I want to find out is, having so much money in bills in the safe of a friend at about that time, and you being worth \$20,000, how long had you had that sum of money, the difference between \$5,000 and \$20,000? A. I brought it from China with me.

Q. Well, you converted it, I believe, into American money, or did you bring it in American money from China? A. No, sir; I brought it in bills of exchange on London.

Q. And you had them honored in New York? A. Yes, sir.

Q. What house? A. That I couldn't tell you.

Q. Can you tell us the amount you brought in bills of exchange? A. That I couldn't tell you; no, sir.

Q. Can you tell us within \$5,000? A. I say it was \$20,000; I couldn't tell you the amount.

Q. And you can not tell us the house on which the bills were drawn? A. I couldn't; no, sir.

Q. Or in which they were honored in New York? A. No, sir.

Q. Or whether it was a commercial house or a bank? A. It was on some bank, I think; they were London bills of exchange.

Q. How long was that before you went into the police department? A. Sir?

Q. How long was that before you went into the police department? How long was it when you had these bills cashed before you went into the police department? A. I couldn't tell you; three or four years; two years.

Q. Then it was during the war? A. Yes, sir.

Q. Now, do you remember the character of the money that you received on those bills of exchange? A. I do not, sir.

Q. Well, you remember you didn't receive gold, I presume? A. I know I didn't; I sold them for gold.

Q. You sold the bills you got? A. At gold prices; yes, sir.

Q. You got gold instead? A. No, sir; I didn't get gold instead, but their face value was as good as gold.

Chairman Lexow.—He got the equivalent of gold in money.

Mr. Goff.—I understand.

Q. What I want to get from you, inspector, is, what did you take away from the banking house or private commercial firm

where you had these bills of exchange cashed? Was it gold or paper money? A. It was paper money.

Q. Do you remember the character of the bills? A. No, sir; I do not.

Q. Were they State bills? A. I think not.

Q. Greenbacks? A. That I am not sure of.

Q. Well, whatever bills you took away, you kept those bills? A. Yes, sir.

Q. And put them in the safe of a friend? A. Yes, sir.

Q. Have you any objection to telling us the friend's name? A. He is dead.

Q. Well, that does not deprive us of the knowledge of his name? A. His name was Terry.

Q. How long did you keep that money in Mr. Terry's safe? A. That I couldn't tell you.

Q. One year or two years? A. I couldn't say.

Q. You having been a man in charge of a shipyard in a foreign country, you understood, of course, that banking was about the best thing a man could do having money in those days, did you not? A. Well, things were a little mixed those days, too, Mr. Goff.

Q. You didn't want to trust banks; is that it? A. Not quite; no, I didn't care about trusting them.

Q. Did any other person besides Mr. Terry and yourself know of your deposits of money there? A. I think not.

Q. You haven't yet told us the amount you had deposited with him? A. Well, I say I had between \$15,000 and \$20,000.

Q. I understand you to say that you had deposited with Mr. Terry for safe keeping — A. Yes, sir.

Q. — between \$15,000 and \$20,000? A. Yes, sir.

Q. Of course, you remember that if you had greenbacks at that time they were not a very safe investment to hold? A. I guess they were fairly safe.

Q. They were at a large market discount? A. Well, I don't recollect what their discount was.

Q. As a matter of fact gold was over 200? A. Yes, I got over 280 for those bills of exchange; the highest that went was 283 or 285.

Q. I would like to get from you your true reason or purpose for holding bills that you can not now describe to us in a

friend's safe? A. I don't know as I can give you any reason except the unsafe condition of the times then.

Q. Why did you not get hold so that in case of any cataclysm occurring you would be protected? A. Well, I don't know as that would protect me.

Q. Well, you wanted to be protected against any great public crisis? A. No, not specially against that.

Q. Can you give us your object? A. I might against thieves, burglars.

Q. Against thieves and burglars? A. And robbers.

Q. When you joined the police force you moved to New York, I presume? A. I think I moved into the station-house.

Q. May I ask you were you married at that time? A. I lost my wife.

Q. Did you continue to keep your money in Mr. Terry's after you became a member of the New York police? A. Some I did, yes.

Q. You yet didn't wish to take chances of putting it in the bank owing to the dangers of thieves and robbers? A. Yes, sir.

Q. Even though you were a member of the New York police? A. That is correct; but we had to guard against bank officers.

Q. And I suppose you regarded them in the way that many would regard them now, as being more dangerous than the burglars on the outside? A. That is what a bank president told me; that they were the people he had to look after.

Q. The people within? A. Yes, sir.

Q. And not the people without? A. No, sir.

Q. Outside of that, that represented your capital, what you have told us, when you went on the New York police force? A. Yes, sir.

Q. Of course you have carefully thought over this, inspector? A. No, not specially; I didn't know what I was going to be questioned about.

Q. Well, you took it for granted that you might be questioned about your property? A. Yes.

Q. And you have carefully thought out this? A. No, sir; I don't know that I have.

Q. You have reflected upon it? A. No, sir; not specially.

Q. Not specially, you say; but you have generally? A. I might in a general way.

Q. You took an interest in Mr. McClave's examination and accounting for his property, did you not? A. I let people attend to their own business.

Q. Did you take an interest? A. Not specially, no, sir.

Q. Now, did you take an interest specially or generally? A. Generally; I read the newspapers; I had no other evidence.

Q. And also Mr. Sheehan's examination touching his property? A. I read the papers on that question.

Q. Have you ever expressed to any one that you would defy this committee to ask you any questions about your property? A. No, sir; positively no, because this is the fifth committee that I have been before.

Q. What? A. This is the fifth committee that I have been before; I knew better than that from experience.

Q. Then you think it better for a public official not to assume the position that some have assumed on this witness stand, refusing to account for the possession of property that may have come into their hands while occupying public office? A. I don't criticise the action of my superior officers.

Q. Did I say superior officers? A. You said officials coming on this stand; I don't know of any others.

Q. What? A. Officials coming on this stand.

Q. Yes; you jumped at the conclusion that I meant your superiors? A. The two that you named, Commissioner Sheehan and Commissioner McClave.

Q. Mr. McClave didn't refuse? A. That I didn't know; I believed he did in some cases.

Q. No, you are mistaken; Commissioner McClave didn't refuse? A. Didn't he?

Q. No; and after you went on the police force, I take it for granted that you didn't engage in any outside business? A. No, although I got credit for it.

Q. I wish to get your answer on the record; did you or did you not engage in any outside business? A. No, sir.

Q. Did you have any interest in any outside business? A. No, sir.

Q. Did any person have an interest for you? A. No, sir.

Q. Representing you? A. No, sir.

Q. Did you ever swear that you had? A. That I had?

Q. Yes? Never.

Q. Did you ever swear that you hadn't? A. Yes, sir.

Q. When? A. For to comply with an act of the Legislature about a year or two ago. .

Q. That act was passed principally on your account? A. I believe in my interest, yes.

Q. In your interest? A. Well, I say that because I was the bull in the ring.

Q. That act was passed to compel police officials to make oath that they were not interested in the sales of wines, whiskies, cigars or other things of that kind? A. I believe that was the clause of it.

Q. And it arose out of the common and public rumor that you were interested in the sale of the Hollywood whisky? A. That is correct.

Q. And you had the honor of being the last man in the police department to make the necessary affidavit? A. That is not true.

Q. Who else made it after you? A. I don't know.

Q. Will you swear you weren't the last? A. Yes, sir.

Q. How long before the time mentioned by the act requiring the affidavit to be made did you make your affidavit? A. Well, the act came pretty near firing the whole department; they didn't find that the act was passed and became a law, of its passage and signature by the Governor until I guess some 48 hours before it went into effect.

Q. So there was a rush? A. There was a general hustling, yes, to sign; I know there was a number came up and signed after me; I know there were two policemen dropped in the roll on account of it and reinstated after it.

Q. Now, while I am on this subject of the Hollywood whisky, there was a memorial presented to the Legislature in which it was openly stated that you were interested in the sale of that whisky? A. Yes, sir.

Q. Was there any truth, in any manner, shape or form, in that memorial? A. Not one word.

Q. Were you ever directly or indirectly interested in the sale of the Hollywood whisky? A. No, sir.

Q. Did you ever suggest to anyone to solicit trade for the whisky? A. No, sir.

Q. Now, tell us about George Norton, for instance; you knew him to be a salesman for that whisky, did you not? A. Yes, sir; I heard he was.

Q. You knew it? A. Not positively; no.

Q. What? A. I knew him; yes.

Q. You knew him? A. I knew him since he was a boy 14 or 15 years old.

Q. Now, he has been a pretty close friend of yours? A. No, sir.

Q. Now, you have known him very well, very well, haven't you? A. Yes; he has given me information.

Q. And he has been employed by your brother? A. No, sir.

Q. Ever at Bowery Bay Beach? A. He was employed at Bowery Bay Beach, I believe.

Q. In which your brother was superintendent, or in some position of management there? A. I think he was a stockholder; that is all.

Q. And this Norton was well known as an ex-thief, himself, or a thief? A. A what, sir?

Q. A thief? A. Never, sir.

Q. Did you ever hear of him as a bunco steerer? A. No, sir.

Q. In keeping houses of ill-fame? A. Never.

Q. You never heard of that? A. Never.

Q. George Norton is a perfectly decent, respectable man? A. I don't know anything to the contrary.

Q. Did you ever hear anything to the contrary? A. No, sir; except that I don't think he goes to church a great deal; my acquaintance with Norton was information he gave me about thieves originally; his father kept a saloon on the corner of Water and Dover streets; he gave me information one morning from which I was enabled to arrest river thieves and send them to State prison for 15 years each; that information I got from Norton.

Q. His father was the keeper of well-known notorious resorts in the old Seventh ward? A. It is in the Fourth.

Q. He kept some in the Seventh too? A. Not to my knowledge.

Q. Took in the Fourth? A. He kept on the corner of Dover and Water streets; kept a barroom there.

Q. Is that the only information you got from Norton? A. Oh, I have received information in a general way, what was going on.

Q. What was he, a stool pigeon for you? A. Not specially, no, sir.

Q. You looked to him as a stock source of information against thieves? A. Not always; no.

Q. Well, generally? A. Not generally.

Q. Specifically? A. Once in a while.

Q. Once in a while means frequently? A. Not always.

Q. What is the difference between frequently and always?

A. Always might be every day; frequently every other day.

Q. Which was it? A. Well, it was not either one.

Q. What was it? A. At longer terms.

Q. What were the terms? A. Possibly three or four months.

Q. Between? A. Yes, sir.

Q. Well, through a period of 15 years' acquaintance, I take it, or longer, this George Norton has been the source of information to you relating to thieves? A. Not specially so; if he knew of anything going on he would come and tell me.

Q. Then he was a stool pigeon for you? A. No, sir; stool pigeons get paid.

Q. Was he in the pay of the police? A. No, sir.

Q. What obligation was he under to go and tell you anything? A. I suppose a friendship toward the police; like a good many others; give up what they knew.

Q. Friendship? A. Yes, sir.

Q. Did he ever receive any favors from you? A. Not that I know of.

Q. What obligation was there upon him to do that? A. None that I know of.

Q. Do you mean to tell us that this man went to you voluntarily three or four months, each time, for the last 15 years or so — A. It is longer back; it is 20; it is over 20 years ago.

Q. You were captain down there then? A. I was captain of the Fourth precinct.

Q. You knew his father kept a number of disorderly houses? A. I didn't.

Q. You didn't want to know? A. I didn't know.

Q. You didn't want to know? A. How do you know?

Q. Will you swear that he didn't keep disorderly houses? A. I will swear I don't know.

Q. I don't ask you that; I ask you, will you swear that the father of George Norton, your trusted informer, didn't keep disorderly houses in the Fourth ward when you were captain of that precinct? A. I will swear that I don't know that he did.

Q. Will you swear to the fact whether he did or not? A. No, sir; I will not; I know what he did keep there; the only place I knew was the southwest corner of Dover and Water streets.

Q. You have answered my question; that is sufficient; now, I ask you what obligation was there, or what friendship or connection was there existing between you as captain of the police in that precinct and this George Norton that he carried you information every three or four months touching thieves?

A. Nothing specially; he brought the same information to my successor who was afterward superintendent.

Q. Who is that, Murray? A. Murray; yes, sir; that was the cause of the arrest of the thieves that broke in those houses at Astoria and Ravenswood.

Q. George Norton has been a valuable aid then to the New York police department? A. That I don't know; I wouldn't call him very valuable; his information is sometimes correct and sometimes not.

Q. Well, you followed up George Norton pretty well. You wanted to do him a friendly turn for what he served you, did you not? A. I haven't done him any that I know of.

Q. Well, for instance, when you got him employed by Paul Bauer? A. I never got him employed there.

Q. Didn't you speak to him? A. No, sir; I never knew Paul Bauer.

Q. And you have never made him any return for these valuable services that he has rendered to the New York police department? A. Nothing specially; no, sir.

Q. Now, you repeat very frequently, and wholly unnecessarily "specially;" I don't ask you that; I ask you for the fact; you can either answer it one way or the other according as your conscience dictates; now, I ask you again— A. I am answering according to facts.

Q. I don't ask you for "specially" or "generally;" I ask for the fact? A. That is what I am trying to answer you, sir.

Q. I ask you again if during these years when this Norton has been acting as an informer upon the thieves and other law-breakers to the police department, have you or any other member of the police department, or the department itself, made him any return or given him any reward for his information? A. No, sir.

Q. He is a patron; and you have taken no interest whatever in him, I presume? A. No, sir.

Q. Have you seen him recently? A. I think I have; yes.

Q. Now or within the last year or two, have you or any mem-

ber of your family, or any person acting for you in any manner, shape or form, had and interest in the sale of the Hollywood whisky? A. No, sir.

Q. Did you ever hear it said that if a liquor dealer would display the sign of the Hollywood whisky in his window that that was a sure protection against arrest for a violation of the Excise Law? A. Never heard it.

Q. This is the first time? A. Yes, sir.

Q. Are you answering truly to that? A. Yes, sir.

Q. You have never heard that? A. No, sir.

Q. You, an inspector of police in the city of New York? A. Yes, sir.

Q. Have never heard that? A. Never heard of it.

Q. Did you ever hear that liquor dealers were approached by agents who represented to them that it was for you or in your interest as one of the company, or one of the parties interested in that whisky, to buy that whisky; did you ever hear that? A. No, sir.

Q. You said a while ago that you knew of a memorial being presented to the Legislature? A. I have heard of that, yes, sir; I don't know it, but I heard it.

Q. I ask you now if you heard of it, and you say you didn't? A. I heard of a memorial to the Legislature.

Q. This memorial charged that fact? A. I didn't read it.

Q. You have heard of it? A. Yes, sir.

Q. And it has been sworn before this committee? A. I don't doubt it.

Q. And in the face of the memorial by reputable merchants of this city and in the face of sworn testimony, do you say that is false? A. I didn't think it was by reputable merchants as near as I could learn.

Q. I am not asking for your thoughts? A. I don't know that it is sworn to by reputable citizens.

Q. I don't ask you what you know? A. You asked me if I heard it.

Q. I didn't ask you anything of the kind? A. A misunderstanding then.

Q. Repeated as follows: And in the face of the memorial by reputable merchants of this city and in the face of sworn testimony, do you say that is false? A. False as far as I am concerned.

Q. Do you know Fleece? A. Who is Fleece?

Q. Do you know Fleece? A. Well, who is Fleece?

Q. I am not answering questions; do you know Fleece; say that you know him or not? A. Well, has he any other name

Q. He has another name? A. Well, what is it?

Q. Do you know him? A. I know a man named Fleece, yes, sir.

Q. That is what I asked you; well, he is the Hollywood whisky man, isn't he? A. So I understood.

Q. Well, don't know about it? A. Yes, I have heard so.

Q. Don't you know him? A. Yes, I know him.

Q. As a good fellow? A. I found him a first rate fellow, yes.

Q. Good fellow? A. I am glad to hear you say so.

Q. What is that? A. I am glad to hear you say he is a good fellow.

Q. Well, I say that of any man that deserves to have me say so; did you ever have anything to do with getting him appointed foreman of the grand jury on which he frequently sat? A. That is above my reach.

Q. You had nothing to do with it? A. Positively not.

Q. Well, he is the Hollywood whisky man? A. I understood he was; his name is William M. Fleece.

Q. Have you ever had any talks with Mr. Fleece about your alleged or reputed connection with the Hollywood whisky? A. Oh, I talked it over with him.

Q. What did you talk it over with him for? A. He said, "The reports are not true;" he said, "You know they are not true;" he said, "This is jealousy," and all that business.

Q. And Fleece went to you to tell you this? A. Oh, no; Fleece used to drop in to see me once in a while; I used to meet him in the Gilsey House too, he boarded there.

Q. He approached you on the subject? A. I can not tell you that.

Q. Did you approach him? A. I may have.

Q. But there was nothing ever done by you to set at rest these false reports until the Legislature compelled you to make oath? A. Not by me, but there was by the superintendent of police.

Q. I am asking about you? A. Yes.

Q. The superintendent of police was directed to make an inquiry, I believe, by the commissioners, was he not? A. Yes, sir.

Q. Do you know how many witnesses were examined by the superintendent of police? A. I do not.

Q. Do you know of any? A. There was some.

Q. Some liquor dealers? A. Yes.

Q. Some liquor dealers brought down and bulldozed into making affidavits, and the same liquor dealers afterward made affidavits that they were bulldozed into making affidavits? A. That I don't know.

Q. I am telling you now? A. Well, it is poor stock that will swear both ways.

Q. Since you were a police official of this city, and these reports charging you with being interested in the sale of a particular brand of whisky were about, did you think it was incumbent upon you to set these reports at rest in some positive way? A. I have heard so many reports about me since I have been a police officer that I am not surprised to be charged with any offense that is on the calendar.

Q. You think your back is broad enough to stand anything of that kind? A. I am pretty healthy.

Q. And you have been charged with a great many offenses, as well by actual proof as by report? A. None by proof.

Q. None by proof on oath? A. Well, yes, one by proof.

Q. Oh, more than that; you are freshening up now? A. That is all; that is all I will own to, and I will tell you what they were if you want to know.

Q. We will get at them in proper time; how many times have you been put on trial before the police commissioners? A. Eighteen.

Q. I suppose there is no officer on the police force to-day that can say that he has been as many times accused of offenses against the laws of the land as you have? A. I have not been charged with offenses against the laws of the land.

Q. Never? A. Oh, yes, but not in all those.

Q. I don't mean to say in all? A. No.

Q. My question was, do you know of any police official on the force to-day that has been accused so frequently as you have been accused of violations of the laws of the land? A. Yes; I saw a paper the other day with 31 complaints against a police officer.

Q. Thirty-one complaints of what, breaches of discipline? A. Violations of the rules; yes, sir.

Q. But they may not be violations of the laws of the land, that was my question? A. Well, I don't know what particular one of the violations of the laws of the land those complaints allude to; I know the first complaint was when I was a patrolman; I was fined two days for being off post; I think that is the first.

Q. Before, you were reprimanded? A. I call that a standoff.

Q. Your first offense was that you were absent from post, for which you were reprimanded? A. I guess that is right.

Q. Well, that was a venial, small thing? A. That is right; yes, I was in the middle of the street, caught by Captain Albert Sterns.

Q. After you sold your house in Brooklyn and came to New York, when did you first buy real estate in New York? A. October, 1886.

Q. Where? A. One hundred and nine East Tenth street.

Q. That is your residence? A. Yes, sir.

Q. Been so ever since? A. Yes, sir; I am living there going on 19 years.

Q. You conveyed that to your wife? A. Yes, sir; I think in 1878.

Q. When next did you buy any real estate? A. Seven, eight, nine years ago; make it 10, 11.

Q. Where was that, and I will tell you? A. It was in Fairfield county, Connecticut.

Q. That is up at Cos Cob? A. Yes, sir.

Q. When next did you buy any real estate in New York? A. I bought the house 403 East Sixteenth street, held it a couple of years, and sold it at an advance.

Q. What was the advance? A. I gave \$11,000 for it and sold it for \$13,000.

Q. Well, the record says you gave \$12,700 for it? A. It is not true.

Q. The record lied? A. In that case it does.

Q. How did you come to take a piece of property at a higher rate than you paid for it? A. I know just what I paid; I don't know what is on the record; I don't know how it got there.

Q. Any other real estate transactions? A. Yes; I bought another house in Fairfield county, or had it bought for me at auction sale at \$1,160.

Q. What other real estate? A. There is another house there I gave \$3,600 for.

Q. At Cos Cob? A. Yes, sir.

Q. Now, any other real estate in New York? A. None; I wish I had.

Q. Does any person hold any real estate for you? A. No, sir.

Q. Does your wife hold any real estate? A. That house in Tenth street.

Q. Is that all? A. That little house I gave \$1,160 for I bought in her name.

Q. Up in Cos Cob? A. Yes, sir.

Q. Any other real estate? A. No, sir.

Q. Or does any member of your family or any relative of yours hold any real estate? A. For me?

Q. For you? A. No, sir.

Q. Or for your wife? A. No, sir.

Q. Or in your children's names? A. No, sir.

Q. Now, you can swear positively that the only real estate that you have an interest in now as a legal owner, directly or indirectly, or held in trust for you, is that real estate at Cos Cob? A. That is all, sir.

Q. And the only real estate so far as you know that your wife holds, either directly or in trust held by somebody else, is that house in New York and that one in Cos Cob? A. That is all, sir.

Q. Those two houses? A. That is all, sir; I did hear it said that I owned the Hartman Hotel down here, but I do not.

Q. Did you ever have an interest in it? A. I have never been in that building.

Q. I didn't ask you that? A. I have no interest.

Q. Did any one ever hold an interest in it for you? A. No, sir.

Q. Directly or indirectly? A. No, sir.

Q. Or were you ever in any way— A. No, sir.

Q. Either as lessee or owner? A. No, sir; the reason I speak of that, Mr. Goff, is, I heard it was mentioned here before the committee.

Q. That is right; I am perfectly satisfied that anything that occurs to you now that has been testified before this committee, I will be only too happy to afford you the opportunity to testify in relation to it, and you can call my attention to it at any time that it occurs to you? A. Now?

Q. Yes? A. Perkins testified—

Q. Yes? A. Where he paid me \$500 for to certify to some bills.

Q. Yes? A. It was a lie pure and simple; I will tell you why; I went in the street cleaning department, took charge on the 15th of December, 1879; I left there on the 1st day of July, 1881; a little over 18 months I was in there; the Howell & Perkins' scows were hired before I went there; there were eight bills for those scows while I was in the department; they were paid about every 30 days; they were discharged; the scows were discharged the 3d day of June, 1880; I have got the bills, vouchers and checks here to show you and to satisfy you, Mr. Goff, that the only bill that I indorsed as correct was the last bill for \$67.50, and that I never received \$500 or 500 cents for indorsing that bill; it was the last bill of Howell & Perkins.

Q. Have you got all the bills there? A. Yes, sir.

Q. Just let me look at them? A. Yes; I will be pleased to do so (witness hands Mr. Goff papers); there is the only bill you will find my name on, the last bill paid, \$67.50, I indorsed it correct; the other bills were indorsed by Plunkett, Wheeler, Nichols, Hunt, Green, and I think one by Charles F. McLean, who was a police commissioner at the time.

Q. Mr. Perkins' testimony was that his bill was \$5,000? A. It is nearly \$8,000, I believe.

Q. Now, he says his bill was \$5,000? A. It is nearly \$8,000, I believe.

Q. No, he says his bill was \$5,000?

Senator Bradley.—That is what he testified to.

Q. None of these bills reached that figure; they are all small bills? A. Well, these are the only bills for the Howell-Perkins' scows while I was in the department.

Senator O'Connor.—What does that aggregate?

Mr. Goff.—These here?

Witness.—I think about \$8,000, sir.

Senator O'Connor.—I do not know whether he testified to any one transaction of \$5,000 or \$8,000.

Mr. Goff.—About \$3,500 or \$3,800.

Witness.—They will go up higher, nearly \$8,000 there.

Q. On those bills? A. Yes, sir; if you will take the amount on the check you will get at it, because some of the bills are in duplicate.

Q. What is the difference, just as matter of information now; here is a check for \$1,197; well, I simply take the indorsed

amount there, one amount is \$737.50 and the check is \$1,197.50; so it is misleading? A. There are two bills.

Q. Well, there is only one indorsement? A. The check was made out for the amount of the two bills.

Q. Well, however, Mr. Howell testified at that time the bill was not in his name, or that it might be in Perkins' name or Howell's name, vice versa? A. Well, you will find them all in Howell's name; no, he says there were some in his; those were all the bills during that time.

Q. Covering everything? A. Yes, sir; from, I think, about the 1st of November, when the scows were hired by Commissioner McLean until the 1st day of June, when they were discharged by Commissioner Nichols.

Q. Can you conceive or give us any reason to your knowledge why this man should go on the stand here and swear to a lie against you? A. No, sir; I have never seen the man that I know of.

Q. He had no grudge or spleen against you as far as you know? A. Not that I know of.

Q. Can you give us any reason why this man was actuated to come on here and commit perjury? A. No, sir.

Q. Yet you swear he did? A. Those bills —

Q. No, no? A. I will swear he did, certainly.

Q. I simply want to give you this culminating opportunity of showing how the world has lied about you? A. Yes, sir; that is not the only case.

Q. Oh, no, commencing; the memorialists to the Legislature lied about you? A. They were certainly mistaken.

Q. Well, did they tell the truth or not when they said you were interested in the sale of the Hollywood whisky? A. They didn't tell the truth.

Q. Then they lied? A. Perhaps unwittingly, unknowingly.

Q. Do you think Perkins lied unwittingly or unknowingly? A. No; I think he lied deliberately.

Q. Yet you can not give any reason or any cause for Perkins' feeling against you that would prompt him to deliberately come on the stand here and commit a crime for which he might go to State prison for a number of years against you? A. No, sir.

Q. Can you give any reason? A. No, sir.

Q. You are the victim of circumstances? A. In that case possibly.

Q. Accidentally? A. Well, I don't think accidentally; I think deliberately.

Q. Why do you think you should be selected out? A. I haven't the slightest idea, unless because I have been a policeman 29 years; I may have trod on some of his toes or his friends' toes.

Q. He swore that he had never been treated by you in any way other than courteous outside of this transaction? A. I never seen the man.

Q. He saw you, he swore? A. I don't doubt that.

Q. To the Senators and counsel? A. I am so well known here in New York that car horses nod at me mornings.

Q. We would like to keep our examination within the bounds of propriety. A. That is what I am here for.

Mr. Goff.—I wish you would be good enough to refrain from making these side remarks that are not in answer to any question. By doing so you will conform to the propriety of the occasion. An officer of your rank ought to know better. You are not here to provoke laughter or crack jokes.

Witness.—I did not intend to provoke laughter.

By Chairman Lexow:

Q. Are you prepared to swear that the only bill you signed is that bill during any time during your captaincy—that bill for \$67? A. Sixty-seven dollars and fifty cents is the only bill my name appears upon.

Q. Are you prepared, outside of those papers, to swear as a fact that that is the only bill you passed? A. No, sir; I am not, because I dealt with others.

Q. I mean with them? A. The only bill with Perkins was that bill; I didn't know Perkins in the matter; it was Alexander J. Howell; the scows were not hired by me at all, they were hired by Mr. McLean.

By Senator O'Connor:

Q. Were they hired for a specific sum? A. Yes, sir.

Q. So all that was to be done in certifying bills was to certify the time rendered? A. The superintendent of scows certified the time rendered by the scows, and the bill was made out from his book; if they worked five-six or eight days he certified it.

Q. Was there anything in the discretion of the approving officer where he might allow or disallow? A. No, sir.

By Mr. Goff:

Q. How is it, this one bill of \$67.50, that is the one that bears your indorsement correctly, A. S. Williams? A. I haven't the slightest idea how I came to sign it.

Q. I say it is the only bill? A. It is the only bill; yes, sir.

Q. Was that necessary? A. It was necessary for either the superintendent or deputy superintendent to indorse the bill as correct; you will find the others, I think, indorsed by George W. Plunkett, who is deputy superintendent.

Q. What I want to find out is how is it that of all those bills there is not one of them signed by any official in the way you sign this particular one you bring here? A. Perhaps that was my particular way of signing; don't Plunkett sign the same way?

Q. No; he says sometimes "correct as to time." A. No; that is Hunt.

Q. All Plunkett says "I certify that these scows were hired by Mr. McLean in an emergency;" that is all he says, and all the others are correct as to time; what I want to find out is, how is it that this is the only bill, this one little bill, that bears your indorsement without any qualification as correct? A. I don't know what is the reason.

Q. You can not give any light upon that subject? A. No, sir; Plunkett was in the department before I went there.

Q. What? A. Plunkett was in that department before I took charge.

Q. Wasn't it necessary that you should indorse some of the bills according to the rules of the department before money could be obtained? A. No, sir; if they are indorsed by the deputy.

Q. Either you or some one for you? A. Yes, sir.

Q. The deputy acted for you? A. Yes, sir.

Q. Inspector, Mr. Perkins was very circumstantial, and his partner admitted here under oath that he had told other persons that he had paid you money; did the partner lie also, Mr. Howell? A. I don't know that Mr. Howell said so; I didn't see so by his evidence.

Q. Well, we will inform you that he did; as a matter of fact he did swear so here? A. That I didn't know.

Q. Well, he did; was Howell also guilty of perjury? A. I don't know whether Howell said so or not.

Q. Was he guilty of telling a falsehood? A. I don't think Mr. Howell said he paid me.

Chairman Lexow.—Mr. Goff, my recollection of Mr. Perkins' testimony is that Mr. Howell told me that he, Howell, had paid Inspector Williams that amount of money, and he tried to offset it against their respective accounts.

Mr. Goff.—Mr. Howell admitted upon the stand that he told Perkins that he had to pay Inspector Williams the \$500. He also admitted that he told the man who served him with a subpoena —

Senator O'Connor.—Didn't he also say that he said that he lied?

Mr. Goff.—Then he admitted that he lied.

Senator O'Connor.—The question is did Mr. Perkins say that he paid to Williams. My recollection is that he said that Howell —

Mr. Goff.—Let us have this thing straight. Mr. Perkins swore that he was present when Inspector Williams, then superintendent of the street cleaning department refused to accept a check and asked Mr. Howell what did he take him for, or words to that effect.

Senator O'Connor.—I think you are right.

Chairman Lexow.—That is right.

Mr. Goff.—And then that he went out and cashed the check, put it in an envelope and handed it to Inspector Williams who put it in his pocket. That was Perkins' testimony.

Q. Is that the only charge of corruption that you have ever heard brought against you while you were superintendent of the street cleaning department? A. I think it was.

Q. It was the only one? A. I only heard that through this investigation.

Q. Did you ever hear charges before of corruption brought against you? A. No, sir.

Q. It is the only charge? A. In connection with what?

Q. The street cleaning? A. No, sir; not that I know of.

Q. In connection with anything else? A. No, sir.

Q. The only charge of corruption that has ever been brought against you? A. That is it.

Q. Captain Schmittberger swore that he paid you money, the other day? A. Yes, sir.

Q. That is a charge of corruption? A. Yes, sir; but it is not true.

Q. That is a lie also? A. Positively so.

Q. Do you know any reason why Captain Schmittberger, one of your officers, and formerly your wardman, should come here and perjure himself against you? A. Yes, sir.

Q. What is the reason? A. To keep out of State prison.

Q. To keep out of State prison? A. Yes, sir; that is the way it looked to me.

Q. Do you know it? A. I know he is under indictment.

Q. Do you know, now, what you have testified; you have answered my questions very positively? A. That is the way it looks to me.

Q. Do you know anything about it? A. About what?

Q. What you have said? A. That it is not true.

Q. No; you said that his object in coming here to testify against you was to keep out of State prison? A. Yes, sir.

Q. Now, do you know? A. Nothing, except what I saw in the public press.

Q. When you say it was his object to keep out of State prison, did you say what you knew or what you didn't know? A. What I saw in the public press.

Q. Answer my question? A. That is the only knowledge I had of it.

Q. Then you don't know anything about it, except what you saw in the public press? A. That is all.

Q. Did you see in any public newspaper in the city of New York that Captain Schmittberger came here and committed perjury against you to keep out of State prison? A. No, sir; not in those words; no.

Q. Then what did you say you did for? A. That was the explanation.

Q. No; it was not an explanation; name me a newspaper in which that explanation appears? A. No; that don't appear in any newspaper.

Q. Then you invented it out of your own mind? A. No, sir.

Q. Then why did you say it? A. Because he was under indictment and had been granted immunity by somebody.

Q. Do you know anything about it? A. No, sir.

By Senator O'Connor:

Q. That is your opinion, is that it? A. Yes sir.

Q. That is what you believe? A. Yes, sir.

By Mr. Goff:

Q. And your belief is simply derived from your own mind, without one fact upon which to base it? A. The newspapers.

Q. Well, the newspapers haven't stated it; you admit that? A. They stated there was to be immunity granted him for his evidence.

Q. They haven't stated anything of the kind; name me a newspaper that has stated it? A. I can not name a newspaper.

Q. Can you state to this committee any fact within your knowledge that prompted Captain Schmittberger to come here and commit perjury against you when he charged you with accepting bribes and money for corruption? A. When he made that assertion he lied.

Mr. Goff.—(To stenographer.) Read that question, please? Witness.—I understand the question.

Q. Then why don't you answer the question? A. That they had that in view.

Q. (Repeated as follows): Can you state to this committee any fact within your knowledge that prompted Captain Schmittberger to come here and commit perjury against you when he charged you with accepting bribes and money for corruption? A. No; facts; no.

Q. Do you think he was put up to it? A. That I don't know.

Q. Have you thought about it? A. I have thought some, yes.

Q. Will you give us the benefit of your thoughts? A. I have.

Q. What are they? A. That he was granted immunity for it.

Q. I ask you, did you think he was put up to do it? A. That I don't know.

Q. Have you stated that he was put up to do it? A. That I don't know.

Q. Have you any reason to think he was put up to do it? A. No, sir.

Q. Do you think he was put up to do it? A. That I don't know.

Q. Have you any reason to think he was put up to do it? A. No, sir.

Q. Tell us what motive he had, so far as you know, in committing perjury? A. I don't know, unless to save himself.

Q. That is simply your conjecture? A. Yes, sir.

Q. Do you think he did it out of spite? A. I don't know what else.

Q. You never did anything to him? A. Yes; I assisted him.

Q. That wouldn't produce spite; he admitted that? A. It does in some cases.

Q. Do you know it did in his case? A. What?

Q. Do you know it did in his case? A. Well, it looked so.

Q. Outside of that? A. I don't know what other reason he would have.

Q. Now, you speak of this man swearing to get immunity; it was not necessary for him to get immunity — even if he did get immunity, to swear against you? A. I don't know.

Q. Then, if you don't know why did you say it? A. Well, I thought so.

Q. Why did you think so? A. That I couldn't say.

Q. Can you explain it? A. The papers say so.

Q. What papers say so? A. All the papers.

Q. There are a great number of papers in New York? A. Yes, a whole lot.

Q. Name me any papers that said that Captain Schmittberger testified against you for the purpose of getting immunity? A. I have read the Mail and Express, Telegram, Evening Sun, News and World.

Q. Did you read that in the Mail and Express? A. I couldn't say.

Q. Did you read that in the Telegram? A. I couldn't say.

Q. Can you say that you read it in any newspaper? A. I did read it in some newspaper.

Q. But you can not tell what newspaper? A. No, sir; that impression got into my mind; I think it was through the public press.

Q. Did you have any impression whatever that any one put him up to that? A. The papers say something about it.

Q. Did that impress an equal impression on your mind? A. No.

Q. You drove that impression away? A. I didn't believe it where the papers charged it.

Q. But you did receive an impression from the newspapers touching the question of immunity? A. Yes, sir.

Q. But you rejected the other impressions? A. Yes, sir.

Q. Now, when you are not able to put your finger upon one solitary act that you can attribute this man's motive to, how are you prepared to swear that this man voluntarily and with-

out any truth or grounds or justification came here and swore falsely when he said that you took money from him derived from pool-rooms, disorderly-houses and so forth? A. He swore falsely.

Q. Every word of it? A. Yes, sir.

Q. On every occasion? A. Yes, sir.)

Q. By the way, did he swear falsely when he said that these pool-rooms flourished in these precincts? A. I don't know.

Q. Did he? A. I don't know.

Q. But you ought to know? A. Why? :

Q. It is your duty? A. He reported them closed.

Q. It is your duty? A. How?

Q. To find out? A. It takes nearly all day to do office duty.

Q. It doesn't make any difference about your office duty; you are charged by law to find out? A. Yes.

Q. Explain if you can how it was that these pool-rooms and other violators of law flourished in Captain Schmittberger's precinct and that you took no steps to suppress them? A. I had no knowledge of them.

Q. Why didn't you have knowledge? A. Because they hadn't come to my knowledge.)

Q. Then you weren't competent for your position? A. Do you know the size of the first inspection district?

Q. Then you were not competent for your position? A. I am competent.

Q. But you showed that you are not? A. Because you do not arrest every murderer are you not competent?

Q. You must have been either incompetent or corrupt? A. I had no knowledge of the crime.

Q. You can not get away from the position; you must have been either incompetent or corrupt? A. No, sir.

Q. Will you bring his reports that he reported them closed? A. He reported them closed.

Q. Will you bring those reports to-morrow morning? A. I don't know where they are; I presume they are in headquarters.

Q. Will you bring those reports? A. If I can find them, yes, sir.

Q. I suppose you sit quietly in the office and accept the reports of your captains in your inspection district and do nothing more about it? A. I have done a good deal more than that.

Q. Have you done anything more about Schmittberger's reports? A. No, sir; not the reports that he made; he was there two or three months; it was a short time.

Q. Did you ever go to any place that Schmittberger reported as having been closed to find out whether or not he had reported truly or untruly? A. He didn't report them as having closed; he reported there was none there in the precinct.

Q. Did you ever go to verify, or did you ever cause inquiries to be made as to whether those reports were true or untrue? A. I supposed they were true.

Q. You supposed? A. Yes, naturally.

Q. So you took the acts of your subordinates on supposition? A. To a great extent, as correct.

Q. And you, one of the oldest police officers in the city of New York, holding the high position of inspector, rest upon a supposition that everything is all right? A. I rest on a report.

Q. And you suppose it is true? A. Yes, sir.

Q. Don't you know that reports have been made to police headquarters, and that you yourself have made reports which you knew to be lies? A. No, sir.

Q. Do you mean to say that when you were captain of the Tenderloin you didn't make reports which you knew to be lies? A. No, sir.

Q. Did you ever report a disorderly-house existing in the Tenderloin? A. Yes, sir.

Q. How many? A. I don't know.

Q. Did you ever suppress a disorderly-house that you reported? A. Yes, sir.

Q. Name me one? A. I don't know as I could name you one; there were reports made every quarter.

Mr. Goff.—I know all about the reports.

(We will take an adjournment here, Mr. Chairman. It is half-past 4 o'clock.)

Chairman Lexow.—Until half-past 10 in the morning?

Mr. Goff.—Yes, sir.

Chairman Lexow.—Shall the captain present himself to-morrow morning?

Witness.—Those reports I had to give a receipt for. I would like to have them. They are very valuable.

(Witness was handed papers by Mr. Goff.)

Mr. Goff.—See they are all there.

Chairman Lexow.—The committee will stand adjourned until half-past 10 o'clock to-morrow morning.

Proceedings of the 72d session of the committee, Thursday, December 27, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, George W. Robertson, Edmund O'Connor, Cuthbert W. Pound, Jacob A. Cantor and Daniel Bradley. John W. Goff, Frank Moss and W. Travers Jerome, of counsel for the committee.

Mr. Goff.—Is Captain Martens in court? (A messenger reports to Mr. Goff.) Is Captain Meakim in court? (No reply.) I wish you would call Captain Meakim.

Chairman Lexow.—The sergeant-at-arms will call Captain William Meakim.

Sergeant-at-Arms.—William Meakim, William Meakim.

Chairman Lexow.—The stenographer will note upon his minutes the fact that William Meakim was duly subpoenaed and was called as a witness at 11:30 a. m. and failed to respond.

Mr. Goff.—Is Captain Washburn in court? Call George Washburn.

The Sergeant-at-Arms.—George Washburn.

Inspector Williams.—George Washburn is reported sick.

Mr. Goff.—Is Captain Westervelt in court?

Inspector Williams.—Captain Westervelt reported sick last night.

Mr. Goff.—Captain Westervelt was at the station-house two hours ago and received a subpoena. Captain Meakim has been under subpoena from day to day, and I have a letter from even a police surgeon saying that his illness is not of such a nature, being muscular rheumatism, as will prevent his attendance before this committee. I specially call upon Captain Meakim to come here if he be an honest man. There has been so much evidence before this committee implicating Captain Meakim in the most corrupt transactions that unless he be careful, and unless he be as corrupt as he has been charged, he will come here to this witness stand. I hope these words will reach him pending his convalescence. Now, Inspector Williams.

Inspector Alexander S. Williams recalled, and further examined, testifies as follows:

By Mr. Goff:

Q. Inspector, by the way, while I think of it, will you please tell me where in the Empire of Japan your lots are situated?
A. Ackadady.

Q. Where is that? A. The northern part.

Q. Did you ever get a paper showing your title to that property? A. The title was that of Frederick Wilkie.

Q. Did you ever see a paper giving you title to that property? A. Yes, sir.

Q. Where is it? A. I do not know; I presume he has got it if he is alive.

Q. Who is Wilkie? He was commercial agent of the United States government at that time; they did not have a consul at that time.

Q. Is it not a fact that no foreigner can hold land and have title to land except in treaty ports of Japan? A. This was a treaty port.

Q. You did not get title because the treaty was not entered into then? A. It had been in 1855.

Q. Not the last treaty, the Burlingame treaty? A. It had been in 1855.

Q. Not the treaty giving rights to foreigners to hold title. There was a treaty opening ports, but there was not a treaty giving rights to foreigners to hold title to real estate? A. I did hold that real estate; for the purpose of going into business there I had to do it under the laws of that State or country.

Q. Made out to you in your own name? A. I believe it was; yes, sir.

Q. Will you swear it was? A. I think it was.

Q. You only think it? A. I am very positive.

Q. The consul of Japan informs me that at that time it was impossible for a foreigner to hold a title there? A. I was there.

Q. He was too. A. That may be.

Q. He was the consul-general of that country and was supposed to know the laws; is he another liar? A. I don't say he is.

Q. Every one that has disagreed with you he is either a liar or mistaken? A. He must be mistaken.

Q. You are the only one in the universe that tells the truth? A. Not at all.

Q. Do you remember Perkins was introduced to you by Commissioner French? A. No, sir.

Q. Perkins swore to that; did he swear to an untruth? A. That may be; he may have been introduced by Mr. French.

Q. Don't you know he was introduced, and French asked you what was the matter with his bills? A. I don't remember that, sir.

Q. You don't remember? A. I do not.

Q. Will you swear that Perkins or his partner Howell did not get a check from the city of New York through your department for \$5,000 while you were superintendent of street cleaning? A. No; I would not; but there is no bills to see.

Q. I am not asking any further questions, sir; don't you know as a matter of fact that Perkins went down to Sag Harbor, where he was born, and where Commissioner French was born, to get two neighbors of his to get them to interest French to influence you to pass his bill? A. No, sir; I do not.

Q. You did not hear anything about that? A. No, sir.

Q. You would not swear French did not come to you and ask you what was the matter with Perkins' and Howell's bills? A. I don't see why he should; I don't know.

Q. You wont swear he did not? A. He might have.

Q. I suppose, Captain Williams, that there has been no man in the police department in the city of New York charged with so much corruption as you have? A. I have not heard of it.

Q. You have never heard of being charged with corruption? A. Sometimes, yes.

Q. Oh, yes; occasionally; why you have been charged with everything from taking a needle to an anchor? A. No, sir; that is not true.

Q. You were never charged with taking a needle? A. No, sir.

Q. Or an anchor? A. Neither one.

Q. Or hose, stockings, whore-stockings? A. No, sir; that is a lie.

Q. Were you ever charged with it? A. No, sir.

Q. That is true; the man that says that has sworn to a lie also? A. Yes, sir.

Q. Were you ever put on trial for that offense? A. No, sir.

Q. Did you ever hear of it before? A. Never.

Q. And that is equally—you are positive of that as you are of everything else? A. Yes, sir.

Q. On March 29, 1874, charges were preferred by Superintendent Walling against Captain Williams of the Fourth precinct, formerly the Eighth; the specification set forth that the defendant while captain of the Eighth precinct—now, what are you looking at; what are you looking for, captain? A. The record.

Q. Will you please put the record out of your hand.

Chairman Lexow.— Do not refresh your recollection until you state you can not testify without refreshing your recollection.

Q. When I want the paper I will ask you; the specifications set forth that the defendant, while captain of the Eighth precinct, in the month of June last accepted from Louise Smith, a keeper of a house of ill-fame, various valuable presents, among which are the following: Six pocket handkerchiefs, valued at \$30, one gold-headed cane valued at \$28, one pistol valued at \$20, one pair of slippers valued at \$10, one velvet vest pattern valued at \$17, and one and a half dozen pairs socks valued at \$6; and the trial was set down for the 1st of April; now you have sworn that no man ever accused you of having received stockings from a house of ill-fame? A. Never.

Q. It appears by the record that Superintendent Walling accused you? A. Yes, sir.

Q. Then a man did accuse you? A. Yes.

Q. Then you were wrong in saying a man never accused you? A. That was the record of the trial.

Q. I am not asking you that; you were wrong when you said that no man ever accused you? A. There have been many people charged wrongfully.

Q. I am not asking you that? A. If that is correct as read, yes; I do not recollect the charges.

Q. That is the record, sir; I am not going to read anything that is not absolutely on the record. A. I don't recollect that charge.

Q. There are many things I apprehend that will escape your memory; you were wrong, were you not, when you said no man ever accused you of that offense? A. Well, as superintendent of police —

Q. Were you wrong or were you right? A. I was right.

Q. Right? A. Yes, sir.

Q. In the face of that record? A. Yes, sir; he did not charge me with the offense.

Q. Have you any moral sense, at all? A. Yes, sir.

Q. Anything left of shame, that you can sit on the witness-stand and say you are right, right here in the face of the record? A. Yes.

Q. That Superintendent Walling did not charge you? A. As superintendent of police.

Q. I don't care under what character; you said no man ever charged you? A. I say so still.

Q. You say so still? A. Yes sir.

Q. Well, there was a charge preferred against you? A. By the superintendent of police.

Q. And he was a man, I presume? A. Sir.

Q. He was a man? A. Yes, sir.

Q. And then you swore to a falsehood when you said that no man ever charged you with that? A. He did not charge me with it; he signed the charges as superintendent of police.

Q. Then he was the one that preferred the charges? A. No, sir.

Q. Who did? A. I presume this woman.

Q. Somebody preferred the charges? A. Yes, sir.

Q. Either Walling or this woman? A. Yes, sir.

Q. Then we have got it—that is worse—that the woman herself accused you of taking these socks? A. Yes, sir.

Q. And these articles? A. Yes, sir.

Q. And when you swore a while ago you were never charged with such an offense— A. I did not swear to it; I admit I did not recollect that charge.

Q. You did not swear anything of the kind; you did not swear a failing of your recollection; you swore that no man ever charged or that any charge was ever preferred against you charging you with taking socks? A. I haven't any recollection at the time of the charge.

Q. You have had time now to trace up and think over it? A. I can not now recollect it.

Q. Then why do you say it for? A. I can not recollect.

Q. When you asked me a while ago— A. After that occurred—

Q. Wait a while; when you asked me a while ago what was the result of that trial, you evidently recollected it? A. After I was tried; yes, sir.

Q. What was the result of that trial? A. I don't know.

Q. Were you fined? A. I can find.

Q. Were you convicted? A. Was I fined?

Q. Yes. A. I can find what was the result.

Q. Have you not gone over your record often enough since this committee has been in session to know what resulted in a charge that was devised in so much petty meanness as taking socks from houses of ill-fame? A. I don't think it was proven.

Q. How do you know it was not proven, if you don't recollect? A. I don't recollect what was done with it.

Q. You don't know whether you were proven guilty or not?
A. I don't think I was proved guilty.

Q. If you don't recollect why have you any thoughts about it?
A. Because I have the cases I was proven guilty in.

Q. And this is not one of the cases? A. I don't think so.

Q. You have no recollection, you say? A. No, sir; I don't think I was fined.

Q. Such a slight thing as a charge against a police captain of having taken handkerchiefs and socks from the keeper of a house of ill-fame, the result of that charge has escaped your recollection? A. It is over 20 — it is 20 odd years ago.

Q. Never mind how many years ago; you remember your lots in Japan? A. Yes, sir.

Q. You do not remember the most petty, the most infamous charge brought against you, of having taken handkerchiefs from a house of ill-fame? A. I do not recollect it.

Q. You have a convenient memory? A. Fairly so.

Q. Fairly convenient? A. Well, I don't know as you put it that way.

Q. Is it or is it not convenient? A. I have a fair memory.

Q. Now, as a matter of fact, with your customary bravado, Inspector Williams, you thought that that would never be referred to because you managed to get that off the record; you managed to keep that off the record? A. I did not.

Q. You mean to say it never occurred? A. I don't know whether it did or not.

Q. Will you swear it never occurred? A. I don't know anything about it.

Q. Will you swear you were not put on trial for that offense?
A. I would not.

Q. You dare not deny it? A. I have no recollection of it; I say when you say I kept it off the record, you say what is not true.

Q. Will you deny here on oath—a false oath here is perjury—will you dare deny on oath that the charges were never preferred against you by Superintendent Walling, including what I have read here? A. If they were ever proven —

Q. I am not asking you for a proposition at all? A. If they were tried.

Q. Read my question, and be a little patient. (Stenographer read the question.) Will you deny here on oath — a false oath here is perjury — will you dare deny on oath that charges were

never preferred against you by Superintendent Walling, including what I have read here? A. I do not know whether they were or not.

Q. That is not my question; I put it so specific, because we may have cause to inquire of this hereafter. "March 29, 1874, charges were preferred by Superintendent Walling against Captain Williams of the Fourth precinct, formerly of the Eighth." The specifications set forth that "the defendant, while captain of the Eighth precinct, in the month of June last, accepted from Louise Smith, keeper of a house of ill-fame, various valuable presents, among which are the following: Six pocket handkerchiefs, valued at \$30; one gold-headed cane, valued at \$25; one pistol, valued at \$20; one pair slippers, valued at \$10; one velvet vest pattern, valued at \$17; one and a half dozen pairs of socks, valued at \$6; trial set down for April 1st;" will you deny, under the solemn obligations of your oath, that such charges were preferred against you as I have read? A. What was the date?

Q. Will you so swear, as I have read in my question? A. Will you give me the date, Mr. Goff?

Q. I have, sir; March 29, 1874? A. The time that I am charged with receiving them.

Q. That is the time that the charges were preferred against you? A. No; but there is another date in there; June something.

Q. Will you please answer my question? A. I want to get at the other date?

Mr. Goff.—Read my question.

By Chairman Lexow:

Q. You are asked if the charges were preferred against you; the date has nothing to do with the fact of the charges being preferred? A. I have no recollection, Mr. Chairman, of the charge.

By Mr. Goff:

Q. Will you deny that those charges that I have read off in my previous question was preferred against you by Superintendent Walling? A. I have no recollection of that.

Q. Will you swear that such charges were not preferred? A. I would not.

Q. And it is the truth that those charges were preferred?
A. That I don't know.

Q. If such charges were preferred against you would you be likely to forget them? A. I would have a record of them.

Q. I don't care for your record at all? A. My record is correct.

Q. I don't care for your record; I ask if such charges have been preferred against you would you be likely to forget them?

A. If I had been tried on them, no.

Q. I am not asking that, sir; get back again? A. I think if they had been proved—

Q. I don't care what your thoughts are? A. I am giving the answer.

By Chairman Lexow:

Q. Would you be likely to forget them? A. I certainly do not recollect such a charge.

Q. If such charges were preferred against you would you be likely to forget them? A. I don't think so.

Q. Since you would not forget such charges will you deny on oath that such charges were not preferred against you? A. I have no recollection of them.

Q. Will you deny it? A. No.

Q. Then it is the truth that they were preferred? A. I do not know whether it is or not.

Q. If they had been you would have known? A. I think I would.

Q. I ask you, since you think you would, and that is your best impression, you think you would, do you now deny they were not preferred against you? A. I would not; but if I got that date while.—

Q. Wait a while? A. One moment; I want to say one word.

Mr. Goff.—No; no, inspector.

Chairman Lexow.—Your answers cover the whole ground, I think.

The Witness.—There is one thing, Mr. Chairman—

Chairman Lexow.—I would not enlarge upon it, Mr. Inspector.

By Mr. Goff:

Q. Do you remember appearing at headquarters to stand a trial upon the charges preferred by Superintendent Walling on the complaint of Louise Smith of taking from her those articles I have described? A. I do not recollect.

Q. Will you swear you did not go on April 2d to police headquarters in 1875, to stand your trial? A. I would not say so; no, sir.

Q. If you had gone would you likely forget such attendance there for such purposes? A. Yes, sir.

Q. You would likely forget it? A. Yes.

Q. Have you forgotten all the time that you attended at police headquarters to stand trial? A. No, sir.

Q. Have you remembered the whole of them? A. No, sir.

Q. When you said yesterday that you had been charged eighteen times with violations of rules or violations of law? A. Yes, sir.

Q. Eighteen times? A. Yes, sir.

Q. Can you give us the 18 times? A. I can give you the date from memorandum.

Q. But you can not give us from recollection? A. No, sir.

Q. Did you keep a memorandum of the times yourself? A. I have got an official record.

Q. You have got the memorandum from the official record? A. Yes, sir.

Q. You have made it? A. I did not make it.

Q. You caused it to be made? A. A clerk gave it to me.

Q. You asked for it? A. Yes; I asked for it.

Mr. Goff.—I state here it is a fact, Senators, that so far as Inspector Williams' record in the police department was concerned that up to the time we called for records of police officials and their different trials, that there was one notable instance, a very notable instance, that Captain Williams was placed on trial in this city, while the commissioners stood two to two; and at that time, that is in this year, when we called for the record there was no suggestion on the record of that trial, which was famous in this city; it has been put on since; and it was only put on because attention was called to that case before this investigating committee. I refer to the charges preferred against Captain Williams by Howard Crosby and other gentlemen. There is nothing in his record suggesting those charges or the disposition of those charges; it is absolutely silent upon them; and were put on since we asked for them.

Chairman Lexow.—Was that the fault of the clerk, or the fault of the commissioners?

Mr. Goff.—The fault of the whole department, Senator.

Q. Now, captain, what precinct were you first sent to command? A. Thirty-third.

Q. Where was that situated in? A. One hundred and fifty-four West Thirty-first street; I think that was the number.

Q. What is that precinct known as now? A. That was known as the mounted squad; Thirty-third precinct of the mounted squad.

Q. How long were you in command of that precinct? A. From July 9, 1871, until May 31, 1872.

Q. That is a little less than a year; and to what precinct did you go from there? A. Twenty-first.

Q. Where was that precinct located then? A. In Thirty-fifth street near Third avenue.

Q. And how long did you remain there? A. Let me refer to dates, Mr. Goff.

Q. Oh, no; as nearly as you can recollect? A. I think it was in June or July; June or July, 1873, I was transferred to the Eighth precinct.

Q. Is that down in — A. Corner of Wooster and Prince streets.

Q. How long did you remain in command of the Eighth precinct? A. I think September, 1874, I went to the Fourth precinct.

Q. Well, about the time that you remained in the Eighth; was it 1873 — over — A. About 16 months, I think.

Q. That was before Captain McDonald was there, was it not? A. Yes, sir; I succeeded Captain McCullough there.

Q. Who was your wardman there? A. I think a man of the name of Terwilliger.

Q. Not just then; by the way, you have seen Terwilliger recently, have you not? A. I saw him about a year or two ago.

Q. Did you not see him at headquarters? A. No, sir.

Q. Did you not see him this year? A. No, sir.

Q. He is off the police now? A. He has been for a number of years.

Q. Didn't he call at headquarters to see you? A. No, sir.

Q. Did you not know or hear that he was subpoenaed to attend before this committee? A. No, sir.

Q. And that he evaded a subpoena? A. No, sir.

Q. Suppose I mention your wardman there — Connolly; does that refresh your memory anything? A. I don't remember him.

Q. Edward Connolly? A. I do not recollect any wardman except Terwilliger.

Q. Who did you take from there to the Fourth ward? A. I did not take anybody.

Q. You took Connolly, did you not? A. No, sir.

Q. Who did the collecting for you in the Eighth ward? A. He did no collecting for me in the Eighth ward or any other ward.

Q. And no other man did any collecting for you? A. No, sir.

Q. And you never permitted any house of ill-fame to flourish in that Eighth ward while you were there? A. They were there; I found them there.

Q. And you left them there? A. Some, yes.

Q. Those that paid? A. They paid nothing to me.

Q. Why did you leave them there then? A. Because they were kind of fashionable at the time.

Q. Because they were fashionable? A. Yes, sir; I know that there was less there when I left; when I went away.

Q. Wait a while; you, an inspector of police, acting under an oath of office —? A. Yes, sir.

Q. And paid by the people of the city of New York to be a guardian of the peace, you state here, under the solemnity of your oath, that you let disorderly-houses and let them — A. Alleged, yes.

Q. In the Eighth precinct of which you are commander; because it was fashionable to do so? A. Not fashionable to do so, but not fashionable to leave them there; they were there when I went there.

Q. Did you not say because it was fashionable? A. Yes, sir; to a certain extent; yes, sir.

Q. Don't qualify; fashionable for what? A. The people made no complaint against them.

Q. I am not asking you the reason; you said that the reason that you left those houses there was because it was fashionable? A. Yes; you can put it that way.

Q. I repeat my question, that you, an inspector of police, acting under your oath of office —? A. Yes, sir.

Q. Paid by the people of the State of New York to enforce the law — A. Yes, sir.

Q. You state here under oath that you left those houses there because it was fashionable? A. Yes, sir.

Q. And that is the best answer you can give to my question? A. Yes, sir.

By Chairman Lexow: \

Q. Don't you apprehend that that is rather an extraordinary answer to the question? A. Well, I don't know how to put it any other way, Mr. Chairman; the houses have been there for years; they were closed up and raided when there was complaint made; when there was robberies or assaults committed in them they were closed up, and would open two or three days afterward; the raids were continued; the first five months I was there I arrested 600 and odd of them; you could not wipe them out; they seemed to exist.

By Mr. Goff:

Q. You arrested street walkers? A. Yes, sir; and a great number of houses; the blotters and returns of those dates will show.

Q. At that time Captain Williams' was the most notorious precinct in this city; the most notorious, when Greene street and Wooster street were the most notorious streets in the city of New York? A. No; they had got to moving up town.

Q. Oh, no; that was many years after that; when the notorious Laura kept at 12 Greene street, and kept her sign over her door, even after you left there, No 12 Greene street; she had not moved then? A. That was not No. 12 Greene street.

Q. Oh, yes; well, where was it? A. Laura's place was up in the neighborhood of Prince and Houston streets, somewheres along there.

Q. You have been there? A. I understood there was a Laura kept there.

Q. Oh, you understood? A. Yes.

Q. But I said this place had a sign out? A. I say it was not No. 12.

Q. You know where it was? A. I am not positive.

Q. Then why did you contradict me? A. For the very good reason that No. 12 Greene street is near Canal, and they are all business houses.

Q. Now, they are, but not then? A. Yes; then there was.

Q. Not when you were inspector? A. I beg your pardon, Mr. Goff.

Q. You recognized Laura's name? A. Yes.

Q. You knew where she kept? A. I am not sure; it was in that neighborhood.

Q. It was in your precinct? A. Yes.

Q. And you found her there? A. Yes, sir.

Q. You left her there? A. I would not swear I did not; I think she got married and went away.

Q. Will you swear you did not leave her there keeping a house? A. No; I would not.

Q. You knew Madam Bennett, for instance, did you not; in Greene street; that was a notorious place? A. Yes; I think there was a woman named Bennett there.

Q. And you left her there? A. That I could not say.

Q. You would not deny you did? A. No, sir.

Q. She flourished when you went there and while you were there and she flourished when you went away? A. I don't know how much she flourished.

Q. She opened a business house? A. Yes.

Q. Why didn't you close it? A. I don't think there was any complaints.

Q. Did you wait for citizens to make a complaint? A. I waited for complaints.

Q. There were no respectable residents there; would you expect the houses to complain on each other? A. Yes, sir; there were respectable people living there.

Q. In Greene street, in the neighborhood of Laura's and Bennett's? A. Yes.

Q. Respectable people? A. Yes.

Q. Families? A. Yes.

Q. Will you name one? A. There was a family named Meyers.

Q. Meyers? A. Yes, sir.

Q. What was Meyer's business? A. I could not tell you, sir.

Q. You could not tell? A. No, sir.

Q. I assume that Mr. Meyers was a merchant; was he not? A. He lived on the corner of Prince and Wooster, immediately opposite the station-house.

Q. He was a respectable man? A. He claimed to be.

Q. You took him to be? A. I thought he was; yes, sir.

Q. A man of family, was he not? A. Yes.

Q. His house was right across from the station-house? A. Yes, sir.

Q. On the other corner? A. Yes, sir.

Q. Now, if you took him to be a respectable man, and you say there were other respectable persons living in that vicinity, how is it you allowed these most notorious houses to exist in the midst of a respectable population? A. They were not so notorious.

Q. It is a question of degree in your mind; is it? A. Yes.

Q. Yes; a question of degree; but it was well known at that time that the houses called the French houses all flourished in your precinct? A. They say there were some French houses; yes, sir.

Q. Now, that house, across from the station-house, where there was a girl murdered — you remember that; do you not; right across from the station-house? A. Not in my time.

Q. Not in your time; well, there was? A. No, sir.

Q. There was a disorderly-house right across from the station? A. No, sir.

Q. They were right around the station? A. No, sir.

Q. How far were they from the station- A. Oh, a block.

Q. How many houses did you find there, Inspector Williams? A. I could not tell you, sir.

Q. Did you ever make a list? A. I made a report.

Q. To whom? A. I made one report to the superintendent of police, and another to the grand jury.

Q. How many did you report? A. I could not tell you, sir.

Q. Do you remember Belle Armstrong in Greene street? A. No, sir.

Q. Do you remember Kate King in Greene street? A. Yes; there was a woman, I believe, of that name.

Q. Do you remember Mrs. Russell in Greene street? A. Yes.

Q. Do you remember Mrs. Wilson in 13 Greene street? A. No, sir.

Q. Do you remember Madam Thompson? A. No, sir.

Q. Do you remember Madam Scott? A. No, sir.

Q. None of those? A. No, sir.

Q. When you made the list before the grand jury, how did you come to bring your list to the grand jury? A. The board of education asked for a list.

Q. Why did the board of education ask for a list? A. On account of the school in Wooster street.

Q. On complaint that the houses were so numerous that the children could not go with safety to the school? A. No, sir; that was not it.

Q. What was it? A. The rear of the school was in the rear of some of those houses.

Q. It was pretty closely approximated to them; the board of education endeavored to suppress those houses; did they not?

A. I went before the grand jury with the list.

Q. Did the board of education endeavor to suppress them alone? A. They did.

Q. They found a pretty large-sized obstacle in you? A. No, sir; I gave them all the assistance that I could.

Q. Did you suppress the houses in response to the request of the board of education? A. I suppressed quite a number.

Q. Did you suppress the houses they complained of? A. Immediately; yes, sir.

Q. Name the houses? A. I could not give you the number; they were immediately in the rear of the Wooster street school.

Q. Was there not a complaint made to you that the proximity of these houses was corrupting and dangerous to the morals and well-being of the children? A. Those particular houses; yes, sir.

Q. And did you not say they would not do any harm to the children? A. No, sir.

Q. You did not say that? A. No, sir.

Q. I read from the official record: "Session of the committee of inquiry of the board of education as to the existence of houses of ill-fame in the Eighth ward. Captain Williams called as a witness and sworn. Q. How many houses of ill-fame exist at present in the Eighth precinct? A. There exist at present 83." You remember that answer? A. I might have made it.

Q. Will you say whether you did or not? A. If it is there in the official record, it is true.

Q. I would not read anything else, inspector; I am not going to put questions to you —

By Chairman Lexow:

Q. Do you remember making such a statement? A. I was before the board of education and made a statement.

Q. Does your present recollection of the number of houses tally with the answer you made there? A. Yes, sir.

Q. "Q. Where are they located? A. In Mercer, Greene Thompson, Sullivan and Bleecker street." Do you remember that answer? A. I think it is likely I made it.

Q. "Q. These houses are then kept open to the knowledge of the authorities?" What answer did you make to that? A. I don't know.

Q. Were they kept open to the knowledge of the authorities? A. The authorities reported them.

Q. Were they kept open to the knowledge of the authorities? A. Not with any guilty knowledge.

Q. I am not asking for guilty or innocent knowledge; these houses were kept open to the knowledge of the authorities? A. The authorities had knowledge of them when they made that report.

Q. You were the authority? A. I was the authority; that was my report.

Q. Your answer was "Well, of course, we know all about them;" you remember that answer? A. I may have made it; yes, sir.

Q. Then you did know all about those 83 houses? A. Yes; if I read it to them.

Q. And if you answered it, as you did answer, at that time, it was true of course? A. Yes.

Q. Now, we have it that at that time you were captain of that precinct you had knowledge as a police captain and that you knew all about the 83 disorderly-houses, that you gave a list of? A. Alleged disorderly-houses.

Q. There is no "alleged" here; there is no word "alleged;" that came into your vocabulary there later? A. In the reports made.

Q. You did not say "alleged;" it is not in your testimony? A. It is in the reports.

Q. No, sir; I am not talking about the reports.

Chairman Lexow.—If the inspector made a statement that he knew all about them, that does away with the "alleged."

Mr. Goff.—That word "alleged" was the veriest nonsense that crept in when they wanted to cover up corrupt prostitutes. He acknowledges he knew all about that.

Q. Now, you, knowing all about those 83 disorderly-houses in that precinct, can you tell us why you did not suppress those disorderly-houses? A. I did; I suppressed all I could.

Q. Why didn't you suppress the 83? A. I did all I could in 16 months.

Q. Hadn't you the power to do it? A. If I had the evidence.

Q. You knew all about them, you said; hadn't you the power; your knowing all about those disorderly-houses, to suppress them, had you or had you not? A. I knew all about the location.

Q. Had you or had you not the power to suppress the disorderly-houses if you knew all about them? A. I don't say I knew all about them.

Q. You say so here; and you swear you made that answer? A. That requires evidence.

Q. I don't want you to tell me; I want to know why is it — I want to know had you, or had you not the power to suppress the 83 disorderly-houses that you knew all about? A. I went before the grand jury.

Q. Had you, or had you not the power.

By Chairman Lexow:

Q. The counsel is entitled to a categorical answer to that question. It may be qualified afterward; but now, according to the question he is entitled to the categorical answer yes or no; had you the power? A. I had the power; yes, sir.

By Mr. Goff:

Q. And it was your duty to suppress those disorderly-houses, and you recognized it as your duty; was it not? A. I went before the grand jury.

Q. Answer my question; you recognized it to be your sworn duty to suppress those disorderly-houses you had the power to suppress? A. I suppressed all I could.

By Chairman Lexow:

Q. You recognized it was your duty to suppress them? A. Yes, sir.

By Mr. Goff:

Q. Now, we have it that a police officer, captain of a precinct, knowing it to be his duty, and having it within his power to suppress 83 disorderly-houses, that he knew everything about did not suppress those 83 disorderly-houses because it was fashionable not to suppress them? A. I did not suppress them all.

Q. Did you suppress the 83 disorderly-houses? A. No, sir.

Q. Because it was fashionable not to suppress them? A. Because there were not complaints against all of them.

Q. Did you go before the grand jury? A. Yes, sir.

Q. You were summoned there? A. No, sir.

Q. Will you swear you were not summoned? A. I think I was not; I went down there with that list and submitted it to the grand jury.

Q. You mean to say you went to the grand jury to make complaints against those 83 disorderly-houses? A. Yes, sir.

Q. Did you make a specific complaint against each one of the 83 disorderly-houses? A. I don't know as I did; I had the list there.

Q. You have not answered my question; you were further questioned, "Q. Can you inform us who owns these houses, together with the names of the occupants?" what answer did you make to that? A. I do not recollect what the answer was.

Q. Did you know the owners of the houses? A. I had a list.

Q. You knew the owners of the houses; you had the list of the owners of the houses? A. Yes, sir.

Q. So that you had a list of the owners of the houses, as well as a list of the occupants of the houses? A. No, sir.

Q. Did you not recognize it to be your duty not only to suppress those houses but to proceed against the reputed owners of those houses? A. That is the law.

Q. And you knew it to be the law? A. Yes, sir.

Q. And you had the power to proceed in obedience to the law? A. Yes, sir.

Q. Did you proceed against the owner of one of the disorderly-houses? A. I submitted the names to the grand jury.

Q. I am not asking what took place before the grand jury, and you ought to know well enough that is privileged; did you proceed against the owner of one of the 83 disorderly-houses that you knew of, that you had a list of? A. I don't know whether I did or not.

Q. Will you swear you did or you did not? A. I swear I did, I think.

Q. You think? A. Yes.

Q. Will you refer me to one case? A. I could not.

Q. Will you refer me to the name of one man against whom you made an affidavit? A. I could not refer you to the name of one owner.

Q. And you had the list at that time of the owners? A. Yes, sir.

Q. And as a matter of fact, you did not do anything? A. Oh, yes; I did.

Q. What? A. I suppressed a number of those houses.

Q. Did you proceed against them and secure a conviction? A. Yes, sir.

Q. In what court? A. I could not tell you; I think Special Sessions.

Q. Give me the name of one? A. I could not.

Q. Well, your answer was, "A. I know who owns them, of course, as well as the people who occupied them;" that was true, was it not? A. If I made that answer that time it was true.

Q. You did make the answer? A. That was true.

Q. "Q. Have you not made out a complete list of those houses, and the owners and occupants;" what answer did you make to that? A. I think I said, I have.

Q. Yes; you did; "I did, and what is more I have a list of it in my pocket;" you have a list of it right there? A. Yes, sir.

Q. "Q. Do you know of any houses of ill-fame within three blocks of the school in your precinct;" do you remember what answer you made to that? A. I do not.

Q. As matter of fact did you know of any houses within three blocks of the school? A. Yes, sir; in the rear.

Q. You next say, "Yes; I know a house of ill-fame a block and a half from the school; will you tell us who owns it;" what did you answer? A. I don't know.

Q. Why do you refuse to work up your knowledge? A. Well, I can not tell what my answer was 22 years ago or 20 years ago.

Q. I ask you, did you furnish the names of the owners of these houses to the board of education? A. No, sir; I did not.

Q. You recognized that the board of education was moving in the interest of the children of the public school; did you not? A. Yes, sir.

Q. And that they were endeavoring to protect the morals and the well-being of the children in the public school, did you not? A. Yes.

Q. And you stood between the board of education and the keepers and owners of the disreputable-houses in that precinct? A. No, sir; I did not.

Q. Why didn't you aid the board of education? A. It was not the board of education; it was a self-constituted committee.

Q. It was the committee of the board of education? A. I beg pardon, it was a citizens' committee.

Q. I am reading right from the record of the board of education? A. That was taken before the board of education.

Q. Was that not a committee of inquiry of the board of education? A. Yes, sir; Mr. Wood was president.

Q. Into the question of the existence of houses of ill-fame in the Eighth ward; that is the record; never mind about the self-constituted committee; I ask you now why it was, you, a captain of the police, a sworn officer, paid by the people of this city, that you did not aid the board of education to do what you have refused to do, to suppress houses of ill-fame? A. I did not refuse to do it; I had done it.

Q. You had not done it if you said there were 83 houses there? A. I suppressed a number of houses.

Q. You had not done it if there was 83 remaining at the time you went before the board? A. No, sir; I had not.

Q. You having neglected to do it, will you answer me why you neglected to do it? A. I did not neglect to do it; I was doing all I could.

Q. Wait a while; you must have neglected; you had the power; you must have neglected if, at the time you were brought before this committee 83 houses flourished there? A. I was only sixteen months there.

Q. I don't care how long you were there? A. I made a number of arrests there.

Q. You must have neglected, if there was 83 houses when you went before this committee? A. What time was that?

Q. I have given you the date; never mind the date; it is the fact; you must have neglected? A. I want to know the time.

Q. No matter about the time; when you went before this committee you swore that there were 83 houses then open in the precinct and doing business? A. Yes, sir.

Q. You must have neglected to close those houses at that time? A. I don't say that I did.

Q. Well, but, then, how could they have remained open without your permission? A. They may have closed after that.

Q. Never mind what they did after that; I am talking of the time you were before the committee? A. They may have been open that day.

Q. You swore they were open? A. Yes, sir.

Q. You had a list there? A. Yes, sir.

Q. You must have gone to a great deal of pains to inquire who the owners and occupants were? A. Yes, sir.

Q. And there were 83 at that time existing? A. Yes.

Q. Now, I ask you if you did not neglect your duty? A. In some cases I must have.

Q. You must have neglected it? A. Yes.

Q. Why was it you neglected? A. Because I was busy with others.

Q. Were you incompetent? A. No, sir.

Q. Were you corrupt? A. No, sir.

Q. You must take either one of the two; you were either incompetent or corrupt, to have 83 houses there? A. Not necessarily so.

Q. Had you not enough policemen? A. I think there were 60 in that precinct.

Q. You swear you had the power? A. Yes, sir.

Q. Having the power you must have been negligent or corrupt? A. Neither one.

Q. How can you explain the existence of 83 houses, and you knew all about them? A. I had done all I could to suppress them.

Q. You must have been very negligent or corrupt? A. Neither one.

Q. How do you explain to this committee and the people of this city who paid you at that time, while you openly and defiantly acknowledged you knew all about these 83 houses and their owners? A. I was at work.

Q. How many had you closed? A. I couldn't tell.

Q. You had 83 on hand? A. Yes, sir.

Q. You provided yourself with a list of the owners of those houses? A. Yes, sir.

Q. You did not proceed against one of those houses? A. Yes; I did.

Q. You can not name me one of them? A. I can not.

Q. The question from the board of education was: "Q. Will you tell us who owns that disorderly-house nearest the school?" do you know what answer you gave? A. No, sir; I do not.

Q. You said, "No; you would not tell;" that was your answer; what consideration were you given for protecting the name of

the owner of that property? A. If you read the evidence further you will find out —

Q. I ask you what consideration you got for protecting the name of the owner of the disorderly-house? A. None.

Q. Why did you protect him then? A. On account of the character of the committee that was making the complaint.

Q. It was the character of the men that were making the complaint? A. Yes, sir.

Q. It was because you had a feeling against the man? A. Wood.

Q. And because you had your feeling against Woods you would not perform a public service? A. I would not give them the evidence required.

Q. Is that it, you would not perform a public service because you had a feeling of envy against one man on the committee? A. I did not refuse.

Q. Here is your answer, "No," to this committee of the board of education? A. It was not a committee of the board of education; it was before President Wood.

Q. He was president of the board of education? A. Yes, sir.

Q. And Mr. Wood died very recently; during his whole life in New York he was a very highly esteemed and respectable citizen? A. Yes.

Q. And took great interest in educational matters? A. Yes, sir.

Q. And Mr. Wood, as representative of the board of education, was present there? A. Yes, sir.

Q. And receiving the testimony? A. Yes.

Q. And you were there? A. Yes.

Q. Brought before the board? A. Yes.

Q. Had you counsel? A. No, sir.

Q. The committee had counsel? A. That I don't know.

Q. But it was a formal meeting held in the interest of public morality, law and order by the board of education in this city for the protection of the children; and when you were asked by that board if you would give the name of the owner of the house of ill-fame nearest to the school you answered no; now, I ask you what interest had you in protecting that owner of the house of ill-fame against the board of education? A. I had no interest.

Q. Why did you protect it? A. I did not protect it.

Q. Why didn't you give his name? A. It was to be used.

Q. For what purpose? A. For publication.

Q. For publication for what? A. I don't know.

Q. Did you object to having the name of an owner of a house of ill-fame published? A. In this case, yes.

Q. Why in this case? A. Because it was not a necessary investigation.

Q. Never mind about the necessity of the investigation? A. It has a good deal to do with it.

Q. You put yourself on record here that you objected to have the name of the owner of a house of ill-fame published? A. The owner of the property.

Q. The owner of the property? A. Yes, sir.

Q. You objected to that? A. Yes, sir.

Q. And you allowed the owner of that property to draw an income from that property that you knew to be in violation of law, and you would not disclose his name? A. I don't know positively it was in violation of law.

Q. What? A. I don't know positively it was in violation of law.

Q. You have stated you knew all about that? A. I may have known all about their existence.

Q. Do you want to let yourself go on record that you shielded the owner of a house of ill-fame from publication? A. From that committee.

Q. From publication? A. From that committee and from publication.

Q. You say from publication? A. Yes, sir; and from that committee.

Q. Never mind the committee; from publication? A. Yes.

Q. Was there any other purpose you had in mind when you refused to give his name? A. No, sir.

By Senator O'Connor:

Q. What do you mean when you say you knew all about those cases? A. That I have a list of them.

Q. You knew they were disorderly-houses? A. No, sir; "alleged;" that is the way the report was made.

By Mr. Goff.

Q. And you swore you said you knew all about them? A. I never visited any of those houses.

Q. That is the old chestnut; I am not asking about your visiting those houses; if you never visited those houses as long as they were reputed to be disorderly, didn't you know it was your duty to visit them? A. No, sir.

Q. Don't you know the rules of the department required you? A. No, sir.

Q. Why, the laws as well as the rules of your department required you to do it? A. To suppress all disorderly-houses.

Q. How could you suppress them if you did not go there? A. On evidence.

Q. Did you ever observe them, and inspect them? A. No, sir.

Q. The language of the law is to "carefully observe and inspect?" A. Yes; I had officers.

Q. Then you violated the law; that is charged to the captain? A. It may be; yes.

Q. Then you violated the law? A. I may have inspected them from the outside.

Q. Oh, yes; you inspected them carefully from the outside; is that it? A. About that; yes, sir.

Q. You wanted to see if the bricks were in line? A. Not necessarily so.

Q. To see if the houses needed painting? A. No, sir.

Q. Your further question there, was "Will you tell us the number and name of the occupant"? what was your answer? A. I don't recollect.

Q. You answered, "No;" you refused to tell the name of the occupant as well as to tell the name of the owner; why did you refuse to tell the name of the occupant? A. I presume the same reason — of the committee.

Q. You did not want the name of the occupant published? A. No, sir.

Q. For what reason? A. I have never been in favor of advertising those places; I don't think it is a good thing to advertise places of that kind.

Q. You know the object of this committee, I repeat it again, was to try to suppress these houses? A. Yes, sir; but the committee was not an honest committee.

Q. You can not shirk your duty and responsibility by imputing dishonest motives to other men? A. In my action before the board of education; yes.

Q. By the way, as was suggested to me here, did you ever know of an honest investigating committee before whom you appeared? A. Yes, sir.

Q. You did? A. Yes.

Q. May we ask you, if you include the present in that category? A. Certainly.

Q. Did you ever know of an honest charge preferred against you and supported by honest witnesses? A. Yes, sir.

Q. It is a wonder; a further question was put to you, "Do you know of any other school having in their vicinity a house of this character?" do you know what answer you made to that? A. No, sir; I do not.

Q. Well, you said, by your answer, "No; I do not"? A. I think the only other school in the precinct was Grand street near South Fifth avenue.

Q. You said you did not know; that is a fair answer, so far as the answer goes; then you go on to say "No, I do not; this thing is all a humbug; I have been bothered out of my life about the whole thing." Do you remember saying that? A. No, sir; I do not.

Q. "Houses of ill-fame do not interfere with the children when they go to school in the morning, neither do they when they come out." Do you remember saying that? A. I might have said it.

Q. And that is a fact, is it? A. Sir?

Q. That is a fact? A. I never heard of them interfering in any way.

Q. That is a fact? A. I never heard of their interfering; if I testified that way; yes.

Q. That is your answer? A. That may be.

Q. And when you answered that, you answered truly? A. As nearly as I can recollect.

Q. Now, I ask you, as a fact, if you state here houses of ill-fame do not interfere with children when they came to school in the morning, neither do they when they come out? A. I can not answer that way.

Q. You placed that on record as a fact? A. Yes, sir; that is a fact; when there is a house there is no life about them at those times.

Q. I want it to appear that Inspector Williams, of the police force of the city of New York, has the audacity to sit up

here in the chair, under oath, and say that houses of ill-fame in the neighborhood of public schools do not interfere with children going to school or coming out; will you take that position? A. Yes, sir.

Q. You go on to say, "I ordered the shutters to be closed in all those houses." ? A. Yes, sir.

Q. If these houses were simply "alleged" houses that you had no knowledge of, what right had you to order them to close their shutters? A. There may have been women looking out of the windows, and for that reason.

Q. If there were women looking out of the windows in an improper way and improper manner you knew then they were houses of ill-fame? A. It would not be accepted as evidence.

Q. I am asking you from your knowledge? A. It was not sufficient knowledge to close them.

Q. If it was sufficient knowledge to justify you in making them close their shutters, was it not sufficient knowledge to justify you in closing the house? A. No, sir.

Q. What right had you to invade upon the private rights of any housekeepers from looking out of the shutters of the house? A. The reputation of the house.

Q. The reputation was sufficient then, was it not? A. No, sir.

Q. Don't you know that reputation is sufficient to convict? A. In some cases.

Q. In all cases? A. No, sir.

Q. You mean to state that; do you mean to state that? A. Yes, sir.

Q. Well, of course, you are not a lawyer, Inspector Williams? A. No, sir.

Q. Do you mean to say that you have been acting under a knowledge, or an impression, or a belief, that reputation was not sufficient in all cases? A. It is not.

Q. Where the reputation could be proven? A. It would require evidence to prove it.

Q. Evidence, certainly, to prove the reputation? A. Yes.

Q. But evidence proving the reputation, that was sufficient? A. I did not have it.

Q. If you hadn't the evidence to prove the reputation, what right had you to interfere with the people looking out from the shutters? A. The reputation of the house.

Q. Then you had some evidence? A. The evidence — the reputation; but not enough to suppress it.

Q. You had some evidence of reputation? A. Yes.

Q. The evidence was the reputation was bad? A. Yes.

Q. It was bad enough to compel you to ask them to keep from the shutters? A. I directed the officers on the post.

Q. I ask what you said you did; you said, "I have ordered the shutters to be closed in all these houses?" A. Yes, sir; very likely I did.

Q. "And the most the women can do is to push the slats down and look out?" A. Yes.

Q. What women? A. I don't know.

Q. What did you say it for? A. The reputation of the house.

Q. What did you say it for if you did not know the house? A. I say from the reputation of the place.

Q. What reputation? A. That they were houses of prostitution.

Q. And that is all you did; is to tell them to put their slats down and look through? A. That is not all I done.

Q. That is all you said you did? A. I said further on.

Q. Further on? A. Yes.

Q. Now, you went before the grand jury on the same subject? A. Yes, sir.

Q. By the way, speaking about Mr. Wood; I find that along with Mr. Wood there was Mr. Townsend, chairman of the committee on by-laws of the board of education, there was Commissioner Farr, Commissioner West and Commissioner Man present along with Commissioner Wood? A. Yes, sir.

Q. On that committee; had you any feelings of asperity toward any of those gentlemen? A. No, sir.

Q. Well known citizens of New York? A. Yes, sir.

Q. Will you tell us the outcome of the charges preferred against you growing out of the Louise Smith matter? A. I don't know as I was ever tried.

Q. Will you tell us the outcome of the charges? A. I can not tell you.

Q. Don't you know anything about it? A. No.

Q. Escaped your memory altogether? A. Yes, sir.

Q. Do you not remember when you were convicted upon the charge? A. I don't think I was convicted.

Q. Will you swear you were not? A. No, sir.

Q. Do you know how many days' fine were imposed upon you? A. There were not any that I know of.

Q. How do you know if you don't remember? A. I know the charges I was fined on; you have got the record.

Q. Never mind what I have got; I am asking for your knowledge; will you swear you were not fined on these charges? A. Yes, sir.

Q. Will you swear you were not found guilty on these charges? A. No, sir.

Q. Don't you know, as matter of fact, you were found guilty? A. No, sir.

Q. You won't swear you were not? A. No, sir.

Q. Do you remember your counsel's name who appeared for you on these charges? A. No, sir.

Q. Did you have counsel? A. I don't think so.

Q. Will you swear you had not? A. No, sir.

Q. Don't you know you employed Charley Spencer, and he appeared for you? A. I never employed him.

Q. Do you mean to say Charley Spencer did not appear at police headquarters on these charges? A. Not to my recollection.

Q. Do you mean to say Charley Spencer did not appear on the charges growing out of the Louise Smith matters as your counsel? A. No; I won't swear that he did or did not.

Q. Will you deny that Charley Spencer appeared for you? A. I have no recollection of ever having employed him.

Q. I am asking you for the fact; will you deny that Charley Spencer never appeared for you as your counsel? A. I don't recollect that he did.

Q. I don't want your recollection? A. Do you want me to swear he did?

Q. I don't want you to swear to anything but the truth, that is what I am trying to get out of you; I want you to deny that Charley Spencer appeared for you, if you can? A. I can not; at the same time, I have no recollection.

Q. Do you remember the charges preferred against you by a Mr. Wilde? A. No, sir.

Q. There have been so many you don't remember that? A. I don't recollect any by Mr. Wilde.

Q. You have committed so many outrages upon the citizens of New York that you don't remember any particular charge, is that not the fact? A. I don't recollect those you bring up.

Q. You have been, what has been called, Inspector Williams, several times in the newspapers, and what you have heard several times, the uniformed bully of the city of New York? A. No, sir; I have not.

Q. Will you swear that this is the first time you ever heard it?
A. Yes, sir.

Q. Your recollection does not fail you? A. No, sir.

Q. You are positive you have never seen in print the term "uniformed bully?" A. Never.

Q. Have you ever been called the "Champion clubber of the police force?" A. Yes, sir.

Q. Have you ever been called the man that cared nothing for the interests or rights of citizens while your club was in your hands? A. No, sir.

Q. Never been called that? A. No, sir.

Q. Does your memory fail you now? A. No, sir.

Q. Does your memory fail you on the Wilde charge? A. Yes, sir.

Q. You say you don't remember the Wilde charges? A. No, sir.

Q. Do you remember going to Wilde and saying to him hereafter or thereafter, rather, at any time one man standing in front of his place, would be a mob? A. No, sir.

Q. You were put on trial for these charges? A. No, sir; not that I recollect.

Q. And in connection with that charge is specified that you used language too vile to be repeated? A. Who is this Wilde; give me his full name, Mr. Goff?

Q. Thomas Wilde? A. I recollect Thomas Wilde now, captain at the junction of Cherry and New Chambers.

Q. In that case, you were found guilty? A. I don't know.

Q. You were? A. I can look at the record and tell you.

Q. We have the record here? A. I was not fined.

Q. You were publicly reprimanded? A. No, sir.

Q. That was the judgment? A. That may have been.

Q. Look at the record, look at the date, April 10, 1875? A. It says "reprimanded."

Q. Then you were? A. That is correct.

Q. It shows the reprimand did not do much good; you did not even recollect the reprimand? A. I did not.

Q. Been so frequent, you didn't recollect it? A. No; it was not very frequent; I see there was not another one until the 8th of March, '76.

Q. That is less than a year, so that the former reprimand did not do much good; it is precisely the same offense? A. Will you allow me to explain?

Q. No; the record is here? A. There is an explanation.

Q. No; you can not go behind the returns; March 8, '76; after you got that reprimand you were charged again with insulting, menacing and using defamatory words to Alexander McGrue; you were again found guilty and reprimanded? A. That is March 8, '76?

Q. Yes; that is what I said? A. Yes, sir.

Q. Less than a year? A. The judgment not made till May, '76.

Q. Will you put aside your record until we call for it again; I find you were again charged on the complaint of Mr. Adams, in the house of Campbell & Co., 45 Bleecker street, with cursing and damning him, catching him by the throat and forcing him into the store — do you remember that? A. No, sir.

Q. Do you know what disposition was made of that? A. That was not 45 Bleecker street.

Q. Campbell & Co.? A. Forty-five Vesey street.

Q. Forty-five Vesey street? A. Yes, sir.

Q. Then your memory serves you? A. Yes, sir; that it is in Vesey street; I don't know the number.

Q. I am glad to see the evidence of returning memory; I hope you will get along much better now; it shows signs of life? A. I am alive enough, Mr. Goff; that case was not tried.

Q. Why? A. Because the fellow found he was at fault himself.

Q. Do you remember what he told you? A. Yes, sir.

Q. What did he say? A. I was captain of the Fourth precinct at the time; there had been a large fire at Washington Market; I thought I would go over and see what the fire amounted to; I passed through Vesey street; it was Sunday afternoon, and this man stepped out and stopped me, and said, "Allow me to introduce you to Alderman Smith;" he took me for one of those come-ons you have heard about.

Q. Did you look like a "come-on"? A. I was not very dressy; I wore a soft hat; this fellow picked me up and stopped me to introduce me to Alderman Smith, as he said; I took him by the throat and threw him into the street.

Q. Is that the case? A. That is the case; yes, sir; that is the only case I know.

Q. Your memory is at fault again; don't nurse it? A. I am not nursing anything.

Q. Your memory is at fault again, even on your own statement; this man who introduced you to Smith went to police

headquarters and preferred a charge against you? A. Yes, sir; it was not tried.

Q. Right upon that point, Inspector Williams, it is interesting to this committee to ascertain what right had you to take this man by the throat and fling him into the street? A. The right of any citizen being insulted by a loafer.

Q. Wait a moment; never mind about the rights of citizens; I am talking about what right had you as a police officer to take the law into your own hands; what right had you as a policeman, paid by the people of New York, to take the law into your own hands against any citizen? A. I was in citizen's clothes at the time; and I didn't give up my right.

Q. I don't care, you were a policeman? A. Yes, sir.

Q. A policeman on duty? A. Yes, sir.

Q. What right had you to take the law into your own hands and make an assault upon a citizen, even although that citizen had violated the law? A. He made the first assault and I returned it.

Q. Did he strike you? A. No, sir.

Q. What assault did he make upon you? A. He stopped me.

Q. Was that an assault? A. Yes, sir.

Q. By stopping you? A. Yes, sir.

Q. But he did not strike you? A. No, sir.

Q. You knew very well that was not an assault? A. I know very well it is an assault.

Q. He did not put his hand upon you? A. Yes, sir.

Q. He put his hand upon your person? A. Yes, sir.

Q. And simply called your attention to Mr. Smith? A. Yes.

Q. Not for the purpose of offering you violence? A. No; I think not.

Q. Now, we have it that it was not an assault and battery, was it? A. Yes; it was an assault; simple assault.

Q. Where did the battery come in? A. There was no battery; it was a simple assault.

Q. What I want to know is, what right had you, a policeman, to take the law into your own hands and fling this man into the street? A. I done this as a citizen.

Q. Don't answer me that way; I ask you as a policeman? A. I don't know as I would do it as a police officer.

Q. Never mind what you would do it as, you were then a policeman of this city? A. Yes; and I would do it to-morrow.

Q. I am not asking you what you would do? A. Under the same circumstances.

Q. I am not asking you what you would do; I haven't any doubt that there is nothing under the sun that is outrageous and unlawful that you would not do? A. I suppose not; that is your opinion.

Q. And the opinion of this city? A. It is not.

Q. I don't want to get into a personal altercation with you? A. You better not either.

Q. If you will answer my questions? A. I will; I took that man by the throat and threw him into the street.

Q. I don't want any bravado from you? A. You are not going to get any.

Q. This is not the place that a brave man will attempt to bully or bravado? A. I am not attempting either one.

Q. As a policeman paid by the people of this city, what right had you to take the law into your own hands and fling that man into the street? A. Because he had insulted me in the street, and I threw him in the street.

Q. Why did you not arrest him? A. I didn't think it was necessary.

Q. That was your duty? A. No, sir.

Q. If he had violated the law? A. Well, to a certain extent, yes.

Q. As matter of fact you are altogether wrong about that case, are you not; what he did say as you passed was, "There goes Williams, the man accused of blackmailing a woman." A. He never said anything of the kind.

Q. That is the sworn record at police department headquarters? A. I don't care what the sworn record is; he didn't know who it was until after I threw him into the street.

Q. At first you didn't remember him? A. I recollected the case when you mentioned the firm's name.

Q. At first you knew nothing about him? A. The store was not open; it was on Sunday.

Q. I don't know about that? A. Well, I do.

Q. The man was an employe of a respectable firm? A. Yes, sir; and standing in front of the door with a crowd of six or seven others.

Q. And as matter of fact hadn't anything at all to do with green goods or come on? A. Not that I know of.

Q. Not that you know of? A. No, sir.

Q. And yet, without your knowing anything against this man, you assaulted him and threw him into the street? A. He thought he knew me.

Q. Never mind what he thought? A. I threw him into the street; yes, sir.

Q. Was it a crime that he thought he knew you; is that an offense? A. No; he picked me up for a countryman.

Q. Is that an offense? A. I think it is now.

Q. You think it is? A. Yes; especially picking up a police officer.

Q. By the way, what sized man was this that thought he knew you? A. I don't particularly recollect his size.

Q. He was considerably smaller than you? A. He was about the size of Mr. Moss.

Q. You never threw Haggerty, the tough of Philadelphia, in the street, did you? A. I think I did.

Q. No; you did not; don't you remember at the corner of Prince and Crosby, when Haggerty called you a great big coward? A. No, sir.

Q. And dared you? A. No, sir; he never did.

Q. And shook his fist in your face? A. He never did.

Q. Don't you remember when you were sergeant and afterward became captain of police, you came up behind him and struck him with a club and knocked him senseless to the flags? A. No, sir.

Q. Don't you remember that? A. No, sir.

Q. Will you swear it is not true? A. I will swear it is not true.

Q. Nothing of the kind ever occurred? A. No.

Q. Did you not hear Haggerty was hunting for you for days? A. No, sir.

Q. Why did you not arrest him? A. What for?

Q. Haggerty was a well-known tough and a bully, who had come on here from Philadelphia to clean out New York; he was in your precinct? A. No, sir.

Q. Yes; he was? A. No, sir.

Q. Did you not see him at The Allen's, at the St. Bernard House? A. Never at The Allen's in my life.

Q. At the place? A. No, sir.

Q. You never threw Haggerty in the street? A. No, sir; never had occasion to.

Q. You did not throw Joe Coburn neither into the street?
A. Yes; I did.

Q. With a platoon of police? A. No, sir.

Q. Do you mean to say you threw Coburn all alone? A. Yes, sir.

Q. That was not the testimony before Judge Sutherland when he was tried? A. My own testimony was I took him out of the cell.

Q. That is when his brains were battered out? A. No, sir; there were no brains battered out.

Q. The man appeared before the bar bandaged up, a horrible sight? A. That may be.

Q. And he had to be held up during his trial? A. Yes; he got 10 years for shooting two policemen — about the St. Bernard House —

Q. I will get to that later? A. It was not in my precinct.

Q. I will get to that later; that was in the Eighth precinct, was it not? A. Yes, sir.

Q. Then it was in your precinct? A. It closed up long before I got there.

Q. It was there during McDonald's time; that was after you were there? A. The St. Bernard House?

Q. Yes? A. Not to my recollection.

Q. The St. Bernard House was kept by The Allen during Lightning Charlie's time, in the Eighth precinct? A. I think you are mistaken.

Q. I am not? A. You are; it was closed up during my time.

Q. Do you remember Mr. John C. Fitzpatrick, respecting a complaint he made against you in '75 to the board — do you remember that complaint? A. I think that complaint was dismissed.

Q. Then you remember it? A. That is while I was in the Fourth precinct; yes, sir.

Q. Then that complaint was dismissed, was it not? A. I think so.

Q. Now, will you look at your record and find out? A. What is the date, Mr. Goff?

Q. June 11th and 12th, 1875; you do not find it there, inspector? A. No, sir.

Q. I know you do not; that is another one of the many complaints against you that are not on your official record? A. I don't find it here.

Q. And yet you remember it? A. I recollect a man named Fitzpatrick.

Q. Can you explain to this committee how it is it is not on your record? A. You will have to ask the record clerk.

Q. Can you explain, as an officer of the department, how it is; here is an official record, you say you have got a copy of it from the clerk of the department, why those complaints that you yourself remember are not set forth on that record? A. I don't know.

Q. That was an important case — that Fitzpatrick case; I want to get at the fact why it is not on the record? A. I couldn't tell you.

Q. It was so important that Colonel Fellows appeared as counsel for the complainant; do you remember that? A. I don't think he made a success of it; I don't think he was successful with it.

Q. Never mind about his success, he appeared as counsel for the complainant? A. That may be.

Q. Do you remember that remarkable trial at which charges were preferred against you for being in league with the panel-houses? A. Yes; there were complaints made in the Eighth precinct.

Q. The specifications were prepared by the superintendent? A. Yes, sir.

Q. And you were charged with being in league with your ward detective for the purpose of protecting the notorious panel-houses then existing? A. Yes, sir; that was the charge.

Q. And the detective that was charged with being the protector was Terwilliger? A. I believe that is true.

Q. And the charges were that you referred all complaints of men that had been robbed in these panel-houses to Terwilliger? A. Yes, sir.

Q. And ordered that they should not be entered on the blotter? A. I don't think I gave such an order.

Q. That was the charge? A. That may be.

Q. Will you swear you did not give such an order? A. Yes.

Q. Will you swear there were entries made on the blotter every time a robbery was complained of at your station-house? A. I think so.

Q. Will you swear it was? A. It is the duty of the sergeant.

Q. I don't ask you for the sergeant? A. It is his duty; I don't make any entry in the blotter; I am telling you what other people's duty is.

Q. I don't want you to shirk your own duty? A. I don't shirk my own duty.

Q. You were commander of that precinct? A. Yes, sir.

Q. And being commander of that precinct, are you prepared to swear that every complaint of panel robbery was entered on the blotter? A. I never heard of complaints of panel robbery.

Q. On complaint of robbery in a panel-house? A. Never knew of one.

Q. Never heard of robbery being committed at a panel-house? A. No; I have heard there were such things; yes.

Q. Why did you say you never heard of it? A. There were no panel-houses in the Eighth precinct.

Q. Why did you say you never heard of it? A. I have heard of reports, but not in that precinct.

Q. I am not asking you what precinct; you said you never heard of any? A. I have heard of panel-houses; yes; any man that has not heard of a panel-house is not living.

Q. In this case of Wilde; this man you say you threw out into the street? A. That was not Wilde.

Q. Will you look at your record for the complaint made against you regarding the panel-houses? A. I don't know the date.

Q. Around '75? A. I was not in the Eighth precinct that time.

Q. At any time while you were in the Eighth precinct, do you find any record there? A. No, sir.

Q. That is another case where charges preferred against you have been smothered; kept off the record? A. That I don't know anything about.

Q. It is not there? A. I can't find any.

Q. Can you explain to the committee why it is not there? A. No, sir.

Mr. Goff.—This is an illustration, Senators, of how much value is to be attached to the records of the police department. In reorganizing the force it is worth while to bear that in mind, how much value may be attached to these records kept there. They have been doctored: no question about it, and it has been stated that a man is promoted on his record, and yet we have

it so far that two very important and one of them almost an infamous charge against this police official which has been smothered and kept away from the record, and yet he has been promoted on his record.

Q. That trial lasted three days, inspector? A. It may have.

Q. The panel-house trial? A. It may have.

Q. And yet not a word about it on the record; now, do you remember the McKeever complaints? A. Yes, sir.

Q. That is when you were down in the Fourth? A. Yes, sir.

Q. Will you look at the record for that trial? A. I don't know the date.

Q. Look for the time; you know the time you were in command of the Fourth? A. I was in command of the Fourth nearly two years.

Q. Now, look at those two years? A. I don't find it, sir.

Q. That is another kept off the official record; another charge against you?

Chairman Lexow.—At that rate a man who has had 30 charges on the record against him may really have been guilty of 60.

M. Goff.—Yes, sir; there is no limit to it. The keeping of the record there has been a gigantic fraud, and particularly does it appear to be a gigantic fraud from the self-sufficiency with which this witness referred on the stand to his record; and yet he admits, so far, that there are four very important charges against him that were not on that record.

Q. You arrested McKeever falsely and brought him before a magistrate; you made a false charge and the magistrate promptly discharged the prisoner? A. Yes, sir.

Q. What was the judgment in that case? A. I don't know.

Q. Don't you remember? A. I think it was dismissed.

Q. What? A. I think it was dismissed; that is my recollection of it.

Q. It was dismissed? A. Yes, sir.

Q. Will you swear to that? A. Yes, sir.

Q. Positive? A. Yes, sir.

Q. What commissioner? A. I don't know.

Q. You mean to say that McKeever's case was dismissed? A. Yes, sir.

Q. Are you getting reckless? A. No, sir.

Q. You are clear about the subject? A. Yes, sir.

Q. Will you point to your record where it was dismissed?

A. I don't find it on this record.

Q. Have you got an independent recollection of this case? A. Yes, sir; under the circumstances

Q. What circumstances? A. McKeever tried to take a prisoner away from me at 2 o'clock in the morning.

Q. So that you have an independent recollection? A. Yes, sir.

Q. And yet the magistrate for that offense, which was clearly an indictable offense, a felony, discharged that man the next morning? A. Yes, sir

Q. On your own testimony, under oath, McKeever was discharged? A. Yes, sir; I believe he was.

Q. By the magistrate? A. That is my recollection.

Q. That is the fact, and yet you swear that he attempted to commit a felony by rescuing a prisoner from you? A. Yes, sir.

Q. And the magistrate did not believe you? A. Well, I could not help that; I know the prisoner went to prison seven years.

Q. For that? A. The prisoner I had that morning.

Q. I am not questioning you about that at all; that is not the line of my inquiry? A. It was 2 o'clock Sunday morning; I recollect the time; McKeever kept an oyster saloon in the Bowery just below Grand street; I arrested the prisoner and was taking him to the Fourth precinct

Q. Now, I will ask you to look at your record there and give us the judgment in the panel-house case, where you were charged? A. I don't know the date.

Q. While you were in the Eighth precinct? A. I don't find any record of it.

Q. Don't find any record? A. No, sir.

Q. Who were commissioners then? A. I think when I was in the Eighth precinct, there was Commissioner Bosworth, ex-judge, Commissioner Smith, Commissioner Gardner, Commissioner Sharland.

Q. Do you remember one of the commissioners writing an opinion in that case, in which he voted for your dismissal, and in which opinion he referred to your disgraceful conduct before the board of education in the case to which I have referred? A. I have no such recollection.

Q. Will you swear than such opinion was not written? A. No, sir.

Q. Don't you remember that there was a tie in the board, that two voted for your dismissal and two against? A. No, sir.

Q. You don't know anything about that? A. No, sir.

Q. And the record is silent? A. The record doesn't say anything about it.

By Chairman Lexow:

Q. Who has charge of the record, inspector? A. A clerk by the name of Peterson.

Q. Has had charge of it all this time? A. Well, for quite a number of years, he is under the chief clerk.

Q. Under Mr. Kipp? A. Yes, sir.

By Senator O'Connor:

Q. Did you have anything to do with making up the record? A. No, sir.

By Senator Cantor:

Q. Mr. Kipp has not been chief clerk since '75? A. I think Mr. Kipp has been chief clerk for about eight years.

By Mr. Goff:

Q. What clerk has got particular charge of keeping this record, is it not Peterson? A. Robert Peterson.

Q. Do you find the record there of the reprimand you received for insulting McGrue; there was a report of it in the Daily News that you used insulting and profane language to him? A. I presume that is the complaint of April 10, '75.

Q. Later than that, inspector? A. March 8, 1876.

Q. That is it; you were publicly reprimanded for that? A. No, sir.

Q. You were reprimanded; that was the judgment? A. That was the judgment.

Q. That was not a public reprimand? A. No, sir.

Q. What was it? A. That is a reprimand by the superintendent.

Q. Is that not public? A. No, sir.

Q. Does it not go through orders? A. No, sir.

Q. Are you brought to police headquarters? A. You are sent for.

Q. And privately brought into the room? A. Yes, sir.

Q. And privately reprimanded? A. The board reprimands.

Q. It is interesting to us to know how this reprimanding is administered? A. I don't think they get any further than the action of the board.

Q. You think that is the last of it? A. I guess that's about it.

Q. For our information, in the numerous cases in which you have been adjudged guilty and the sentence being that you should be reprimanded, have you ever been reprimanded? A. Not that I recollect.

Q. Have you got the charge there that was made against you in the case of Coffin? A. What date?

Q. June 16, 1876? A. I don't find it here.

Q. Don't you remember the case where you went before Judge Wandell and wanted to change your charge against him; that he was an old man; kept a little wooden shanty down there where he sold oysters at the corner of Roosevelt and South street—do you remember that? A. No, sir; was there a complaint made against me.

Q. Yes; you made the arrest? A. Personally?

Q. Yes? A. I don't recollect it.

Q. And you brought him before Judge Wandell? A. I don't recollect it.

Q. Don't remember that? A. No, sir.

Q. Nothing on the record about that? A. Not that I can find.

Q. Even although he had a permit for his place? A. No, sir.

Q. Nothing on that either? A. No, sir.

Q. That was another complaint? A. I remember going before the mayor on that oyster-stand.

Q. You recollect something about it? A. Yes; I recollect an oyster-stand in Roosevelt square; I was not tried on that complaint; I don't remember there was one.

Q. Do you remember the case of Officer Michael Fitzgerald when he arrested three men, Casey, Mock and Donovan—do you remember that case? A. Complaint against me?

Q. No; it was a proceeding in the police court? A. An arrest made by Officer Fitzgerald?

Q. An arrest made by Officer Fitzgerald, in your command, of three men, Casey, Mock and Donovan; and the testimony in the police court was that Donovan had a severe scalp wound on the right side of his head and one on the left temple; Officer Fitzgerald said that Mock and Casey were fighting, and when

questioned said that Donovan was doing nothing, and Judge Wandell said, "What did you arrest him for;" and Officer Fitzgerald said, "Well, he was one of the crowd;" "What here you to say, Donovan;" Donovan answered, "I was standing at my own door, 57 New Chambers street, when a number of men began fighting in the street; I didn't go near them and was particularly quiet, when Captain Williams came behind me and clubbed me on the head and took me to the station-house;" Justice Wandell said, "You are discharged; something must be done to stop this clubbing business; if the law can not protect the rights of all citizens, they will take the law into their own hands—" do you remember Judge Wandell saying that? A. No, sir.

Q. As matter of fact, you have never regarded the rights of citizens where you wanted to use your club? A. That is not true; I never carried a club when in citizen's clothes.

Q. I don't know whether you were in citizen's clothes or not; he swore it? A. I don't doubt it.

Q. Did he lie? A. I don't know.

Q. Did he lie? A. He may have done it.

Q. Will you swear that anyone who has ever accused you of clubbing lied? A. Yes.

Q. Could they make a mistake if they accused you of clubbing? A. Yes.

Q. Did you ever club any man? A. Yes; certainly I did.

Q. And a great many, Inspector Williams? A. Never one respectable man in my life.

Q. I don't care about a respectable man; it is not for you to determine who is respectable? A. I know who I am dealing with.

Q. You are only a common policeman, paid by the people of the city of New York? A. Yes, sir.

Q. What right have you to determine who is respectable? A. Those people go around looking for fight, and they are pretty liable to get it.

Q. Do you regard yourself on the police force for the purpose of picking up quarrels? A. No, sir.

Q. Do you regard yourself as specially detailed to accommodate people who go around with chips on their shoulders? A. No, sir.

Q. You are an officer of the law? A. Yes, sir.

Q. And you have never, Inspector Williams, considered the rights of a citizen where you had your club to exercise? A. Oh, yes; I have.

Q. You have been charged with more clubbing than any man on the police force? A. Presumably so; yes; but not in fact.

Q. But, in fact, you have been charged with more clubbing than any policeman? A. Yes.

Q. And you rather glory in it? A. No; I do not.

Q. You rather pride yourself upon your record as a champion clubber? A. No, sir.

Q. Do you remember when the poor people up there in Union square, they were cold may be and hungry, holding a meeting this very year, and you went up there the night of the meeting, and the very next morning you said in the presence of a number of gentlemen, that they were a lot of cowards, that all you had to do was to draw your pistol and point it to the pavement—do you remember that? A. No, sir.

Q. Will you swear you did not? A. I might have said so.

Q. As matter of fact, you did say so? A. I don't know; I recollect a meeting there of anarchists.

Q. You may call them what you please, they are human beings and entitled to the protection of law? A. Yes; if they do not break the law.

Q. When they went there to hold a meeting they had a permit to hold the meeting? A. Yes.

Q. What right had you to pull your pistol? A. I don't think I was there, and I don't think I used those words.

Q. You said those words at lunch next day before a number of gentlemen the names of whom, if I mentioned, you would not dare to contradict them? A. I don't think I was there.

Q. Will you swear you did not use those words? A. I don't think I ever used them.

Q. Will you swear you did not? A. No; I won't; Union square is not in my inspection district, and I don't think I had any business at the meeting.

Chairman Lexow.—All witnesses under subpoena must appear here again at half-past 2 o'clock; the committee will stand adjourned until that hour.

AFTERNOON SESSION.

Present.—Senators Clarence Lexow, George W. Robertson, Edmund O'Connor, Cuthbert W. Pound and Daniel Bradley:

John W. Goff, Frank Moss and W. Travers Jerome, of counsel for the committee.

Mr. Goff.—Is Mr. Stoltz or Mr. Stokes here? (No response.)

Alexander S. Williams, recalled and testified as follows:

By Mr. Goff:

Q. While you were captain of the Eighth precinct was Terwilliger ever charged with collecting in your name revenue from the panel-houses? A. Not that I recollect.

Q. Had he ever reported to you the existence of panel-houses and panel robberies? A. No, sir.

Q. Robberies in panel-houses? A. I have no recollection.

Q. Would you recollect if such a thing had been reported? A. I might and might not, Mr. Goff.

Q. It is a question of will with you? A. No.

Q. Not a question of is, but will? A. No, sir; a question of memory.

Q. Your memory is very convenient to fall off at certain points? A. No, sir.

Q. It is a very important thing to a man, a captain of police, that cares any thing for his reputation, to have his officer; his special officer charged with being in league with panel-house thieves? A. I have no recollection of it.

Q. Will you swear such charges were not made? A. No; I won't.

Q. And that it was made in public? A. That I don't know.

Q. Did you ever hear it? A. No, sir.

Q. Did you ever count the number of inmates in these 83 houses? A. No, sir; I don't think I did.

Q. Did you ever give a number? A. I may have.

Q. Is it not a fact that you did? A. No, sir; I don't know that it is.

Q. Will you swear you did not? A. No, sir.

Q. Have you got any recollection on the subject at all? A. No, sir.

Q. If it appears that you have sworn to the number, or have given, at least, I won't say sworn, but has given the number of inmates of these 83 houses, is such the truth or not? A. I may have received the numbers from officers.

Q. And they could only have ascertained the numbers by personal inspection? A. Possibly so; they may have asked.

Q. That was personal examination and inspection? A. No, sir.

Q. What was it? A. Asking the proprietors how many people they had there.

Q. How many people the proprietors had violating the law? A. No; I don't know that it was put in that way.

Q. I don't suppose it was, but it was the fact? A. It may have been; I don't know.

Q. Will you swear that they were not violating the law? A. Yes; I would.

Q. You will swear that the keepers of these 83 houses and the inmates of these 83 houses were not violating the law? A. I never saw them violate it.

Q. I am not asking you what you saw? A. Then I won't swear they did.

Q. Why did you report they were disorderly-houses? A. It was so reported to me.

Q. By your officers? A. Yes, sir.

Q. You believed that report, did you not? A. Yes, sir.

Q. When you believed that report and accepted it as true, you reported it to the grand jury? A. Yes, sir.

Q. And the board of education? A. No, sir; I didn't report it to the board of education.

Q. You said 83? A. I didn't give the number of the houses.

Q. You said 83 cases? A. Possibly; I don't know where you got that evidence.

Q. Never mind where I got it? A. It is of some importance to me.

Q. It is for me to inquire into the truth; never mind where I got it? A. I don't know where you got it.

Q. There have been a great many things suppressed at police headquarters affecting you and other officers that I have got? A. It seems that all the good things have.

Q. Everything that you were interested in having suppressed it seems has been suppressed? A. I was not interested in suppressing it.

Q. Somebody was, and you were the party most interested?
A. I was not interested at all.

Q. You were not interested in having your record misrepresented? A. I didn't ask for it; I asked for a correct record.

Q. You asked for it? A. I asked for it.

Q. When you knew it could not be furnished? A. I supposed it could be furnished.

Q. Do you remember an officer of your command of the name of Greu? A. Yes, sir.

Mr. Goff.—Is Dr. Walsh here?

Dr. Walsh.—Yes.

Mr. Goff.—Inspector, will you oblige us by stepping aside to oblige the doctor?

The witness then leaves the chair to accommodate Dr. Walsh.

Simon J. Walsh, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. How long have you been a practicing physician in this city?
A. About 15 years, sir.

Q. What is your name, please? A. Simon J. Walsh.

Q. When were you called to attend Sergeant Meakim or Captain Meakim? A. Do you mean his last illness?

Q. I do not mean that; I did not say that? A. I beg your pardon; it is a great many years ago.

Q. I did not ask what was the illness? A. It is a number of years ago since I was first called.

Q. When were you called to attend Captain Meakim the last time? A. On last Friday morning.

Q. Last Friday morning; at his house? A. Yes, sir.

Q. Who called you? A. One of his servants, I think, left a message at my office.

Q. One of his servants? A. I think so.

Q. How many servants has he? A. I don't know, sir.

Q. Then why did you say one of them? A. Well, I suppose it was a servant.

Q. When you said, one of them, that implies that there was more than one? A. There were two or three people who attended the door, who have allowed me to go in at times.

Q. Male or female? A. Female.

Q. And one of these females called to see you? A. As far as I can remember, I didn't see the messenger.

Q. To attend at his house? A. Yes, sir.

Q. Was the captain in bed? A. Yes, sir; in bed.

Q. And what was he suffering from? A. He was suffering from muscular pains, intercostal neuralgia, and the muscles of the chest, and bronchitis and laryngitis.

Q. Anything else? A. That is all.

Q. It was not shock? A. I didn't discover it.

Q. You didn't discover shock? A. No, sir.

Q. Has shock any manifestations, any symptoms? A. Yes, sir.

Q. Did you not discover some symptomatic signs of shock? A. No, sir.

Q. When did you attend him again? A. I saw him the following day, I think, Saturday or Sunday.

Q. Was he in bed again? A. Yes, sir.

Q. How was his neuralgia? A. Still bad.

Q. Where was his neuralgia, in his toe? A. No, sir.

Q. Where was it? A. It was in his chest and stomach.

Q. Anything else the matter with him Saturday when you called? A. Nothing more than I have told you.

Q. When did you call again? A. I think, within two days; Monday, I think.

Q. What was his condition Monday? A. His condition was slightly improved.

Q. When did you call again? A. Yesterday.

Q. That was Wednesday; what was his condition then? A. He was in about the same condition as on Monday.

Q. Your patient evidently was not in a very dangerous condition when you could allow him to go without a visit from Monday to Wednesday, or from Saturday until Monday? A. No, sir; he was not dangerous ill.

Q. What condition did you find him in yesterday? A. I found him in worse condition yesterday than the previous visit I had made him.

Q. When do you think, according to the patient's present condition, he will be in a condition to appear here? A. If he improves sufficiently and the weather permits, I should think in a few days.

Q. In a few days? A. Yes, sir.

Q. The Senate committee at present intend to adjourn to-morrow; do you think your patient will be in a condition to be here before to-morrow? A. I do not.

Q. Positively? A. Positively.

Q. You draw the line at that? A. I do.

Q. Suppose the Senate committee should sit on Saturday; do you think your patient would be in a condition to come? A. I doubt it very much.

Q. Suppose they should sit on Sunday; do you think your patient would be in a condition to come? A. It depends how he improves in the meantime.

Q. What is your present opinion? A. I can not tell you.

Q. It would not imperil his life, would it, to have his testimony taken? A. I don't think it would imperil his life.

Q. Or imperil his recovery? A. I think it would add very materially to his condition.

Q. I haven't any doubt about that; have you had consultation with any other doctor? A. No, sir.

Q. Do you know if he has been attended by any other doctor? A. I have heard that the police surgeon has seen him; I have heard that he has been attended by the police surgeon.

Q. Of course, we were compelled to bring you down here so as to get a scientific report as to Captain Meakim's laryngitis and neuralgia; but could you not have treated the messenger of this committee who went to you with a subpoena with more courtesy than you did to-day? A. I was not discourteous to him.

Q. You told him you did not want to have anything to do with this business? A. I beg your pardon; I made no such remark to him.

Q. What? A. He asked me what was the trouble with Captain Meakim; I told him it was none of his business; he asked me if I thought he was able to come here; I told him I did not.

Q. You told him it was none of his business? A. No; I did not; I told him it was none of his business what ailed him, I said.

Q. I have a great respect for your profession; many of my warmest friends are members of your profession; and I have had to lean upon them sometimes in my life, and may have to do again; but it is remarkable that so many men have been attacked with symptoms of prostration this last week, and

have come here to testify that you will excuse this committee for inquiring of you what the real case of Captain Meakim is; now, when will you see Captain Meakim? A. I will probably see him to-morrow.

Q. Can you not see him to-night? A. I can.

Q. Do, please; and will you say these words to Captain Meakim from this committee through its counsel; that Captain Meakim has been charged before this committee with being wilfully corrupt, and with receiving the proceeds of corruption for years; and with growing rich upon the proceeds of corruption as a police captain, and if he be an honest man he will come here to this committee, notwithstanding his laryngitis or neuralgia; now, will you please repeat it to him in those words? A. As near as I can recollect it, I will.

Mr. Goff.—Get a transcript from the stenographer.

Daniel J. Donovan, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff.

Q. You are a police surgeon in this city? A. Yes, sir.

Q. Have you attended Captain Meakim? A. I have visited him officially, Mr. Goff, personally I did not supervise his case.

Q. What is the difference between your official and personal work? A. Well, it sometimes happens where we give the privilege, or the family obtains the right to employ their family physician.

Q. I am asking you the difference? A. There is no difference, Mr. Goff.

Q. You are a doctor, anyway? A. Yes, sir.

Q. And if you visit a man, either as police surgeon, or as something else that I don't understand, you are a doctor all the same? A. Yes, sir.

Q. You visit him and attend him as a doctor? A. Yes, sir.

Q. No use in your differentiating in your character as a police surgeon, and your character as a private physician; your duty is to visit him as a member of the department? A. Yes, sir.

Q. To ascertain his condition? A. Yes, sir.

Q. Irrespective of the wishes of the family? A. Yes, sir.

Q. And, of course, to report his true condition? A. Yes, sir.

Q. Have you reported his true condition? A. Yes, sir; I have.

Q. On file? A. I have it on my reports at home.

Q. Have you reported it to the department? A. No, sir; we only issue reports at the end of the month; we report at the end of each month.

Q. By what process of discipline or order has this man been relieved from duty? A. By my visiting him; if he was not sick I should order him back to duty.

Q. So that the police surgeon is the arbiter of a man's condition as to ordering him off or on duty? A. Yes, sir.

Q. That is the fact? A. Yes, sir.

Q. And we have it now that it is the custom and rule of the department that a police surgeon may visit a member of the force and tell that member that he may go off duty without any further official action? A. No, sir.

Q. Then what is done? A. We visit him to make a physical examination of the man who is reported sick; if we find conditions that warrant his remaining on the sick-list we put him on our report, or on our sick-list.

Q. But you do not make a report until the end of the month? A. The trouble of what is the matter with the man is not reported until the end of the month.

Q. What I want to get at is, by what official action has this officer been placed on the sick-list if he has been placed on the sick-list? A. He has been placed by me, Mr. Goff.

Q. By you? A. Yes, sir.

Q. That is what I want to get, doctor? A. Yes.

Q. So that we have it that the police surgeon has power himself without referring to any other authority to order a man upon the sick-list? A. Yes, sir.

Q. And that saves that man from doing active duty? A. Yes, sir.

Q. And in case that a surgeon orders a man on the sick-list that was not sick there is no method of correcting that error, is there? A. Well, I don't think he could, Mr. Goff.

Q. I am not imputing now anything of a personal character, to you, we simply want to get at the system; so that if a police official imposes upon the doctor, we will say, or if there was collusion between the doctor and the police officer, and the doctor should order the police officer off duty, then that police officer is off duty simply on the order of the doctor? A. Not until the doctor has made a physical examination of his condition.

Q. I assume the doctor has done everything, but I assume a case where the doctor and the policeman are in collusion — you understand me? A. It is possible.

Q. I am assuming a case, and that being in collusion the doctor orders a policeman on the sick-list, then there is no method in the department of inquiring into that, is there? A. Not that that I know of, Mr. Goff.

Q. And in this case all that has been done is that you reported Captain Meakim on the sick-list? A. Yes, sir.

Q. Or at least ordered him on the sick-list? A. Yes, sir.

Q. To whom did you send the order? A. I put him on my list; and if the department should have called for him, that moment I would be able to tell them, Mr. Goff.

Q. What I want to find out now, is there anything in the records of the department which will show that Meakim is on the sick-list? A. Yes, sir.

Q. What is it? A. By his reporting at the station-house that night.

Q. How could he make a report if he is on the sick-list? A. He is reported as sick.

Q. Who reported him as sick? A. Himself.

Q. How could he report himself sick if he was sick in bed? A. He can report by messenger.

Q. By what messenger? A. I don't know what messenger he sent to the station-house.

Q. I want to find out what there is on the records of the department now, and how such suggestion came on the record, that Captain Meakim is sick and unable to attend to police duty? A. Because if he was not sick he would report the next day.

Q. You are arguing with me now? A. From the ordinary returns, station-house returns.

Q. As far as that is concerned the captain might have sent a false message to the station-house; might he not? A. That might be possible.

Q. He might have called a district messenger and sent him up to say he was sick and that is all that has been done? A. That is the usual way.

Q. That is all that has been done in Captain Meakim's case? A. I suppose it was; I don't know just the exact way he reported himself sick.

Q. When were you first called to visit him? A. At about 9 o'clock on Thursday night, the 20th.

Q. It is your duty to attend to the sick members of the force?
A. Yes, sir.

Q. That is what you are paid for? A. Yes, sir.

Q. What is your salary? A. My salary at the present time is \$3,000 a year.

Q. How much did you pay for your appointment? A. Nothing at all.

Q. Who appointed you? A. Commissioner McClave.

Q. What is your name? A. Daniel J. Donovan.

Q. When were you appointed? A. About 15 months ago, Mr. Goff.

Q. How were you appointed? A. I was appointed by having passed the civil service.

Q. I know? A. Through the influence of Mayor Gilroy.

Q. Through Mr. McClave? A. Through the police board.

Q. Mr. McClave was the commissioner? A. Yes, sir; I didn't know that.

Q. What influence had you with Charley Grant about your appointment? A. None whatever.

Q. Did you ever see him? A. I met him after I used to go to headquarters.

Q. Did you see him before your appointment? A. No, sir.

Q. Any one see him for you? A. No, sir.

Q. Are you sure, doctor? A. I am sure, Mr. Goff.

Q. How long were you a practicing physician before you were appointed? A. About six years.

Q. Had you a letter from Mayor Gilroy? A. No, sir; it was his personal influence.

Q. How do you know? A. Well, I know, because I am connected, was connected, with the political associations.

Q. What political associations? A. With Tammany Hall.

Q. Tammany Hall? A. I asked him to interest himself for me, and he did so.

Q. What; Tammany Hall Association? A. Mr. Gilroy was mayor at the time.

Q. He was mayor of the city? A. Yes, sir.

Q. Not of Tammany Hall? A. No, sir.

Q. Well, go on? A. After I had passed the civil service examination.

Q. Passed the civil service; we know about that; after you had passed the civil service what? A. Then I went to get influence in order to see if I couldn't get appointed.

Q. To whom did you go? A. I went to most of my friends.

Q. Tell us whom? A. I went to Mr. Joseph J. O'Donoghue, the late Eugene Kelly and Andrew Martin.

Q. Who is that? A. Here in Vesey street.

Q. The grocer? A. The grocer; and to also most of the political men that I knew.

Q. Is that all? A. That is all.

Q. You limited your visits to the gentlemen you have mentioned and the persons whom you knew? A. Well, I used political influence too, most of my friends whom I knew, to assist me.

Q. And these friends belonged to the Tammany Hall organization? A. Yes, sir.

Q. You did not go to any of the members of the faculty of Bellevue College, did you? A. No, sir; the New York Hospital though, the superintendent of New York Hospital recommended me; I was also attached to Roosevelt, and the trustee of Roosevelt Hospital recommended me.

Q. Did you ever serve in the New York Hospital? A. Yes, sir.

Q. Who is the superintendent? A. Mr. Lathrop.

Q. Is he a doctor? A. No, sir.

Q. You say you were recommended by the trustee of Roosevelt Hospital? A. Yes, sir.

Q. Who is the trustee? A. Mr. Savage.

Q. He is not a doctor? A. No, sir.

Q. Give us the names of some prominent physicians in this city to whom you went for their professional influence and recommendation; give us the name of one? A. Dr. James E. Newcomb.

Q. Where? A. West Sixty-eighth street.

Q. Did he give it to you? A. Not personally; he recommended me.

Q. How; in writing? A. Civil service.

Q. For what? A. Just signed my application.

Q. Signed your application? A. Yes, sir.

Q. To pass the civil service? A. Yes, sir.

Q. Any other doctor? A. Doctor Roof, on the west side.

Q. What did he do? A. He also signed my application.

Q. The law requires that two physicians should sign it? A. Yes, sir.

Q. Now, any other doctors? A. No; only as I stated in my application.

Q. That is all; I want the fact; so we have now the fact here, a surgeon having been appointed as police surgeon to the police department of the city of New York on the recommendation and on the influence of his political friends, is that not the fact? A. Not altogether.

Q. What limitation do you wish to put upon it? A. My eligibility for the place.

Q. You passed the civil service? A. Yes, sir.

Q. From the time you passed the civil service until you were appointed how many months intervened? A. I guess two months.

Q. It was after you passed the civil service that you went to these gentlemen for their influence? A. Yes, sir.

Q. So that you did not rely upon your capacity as developed by the civil service examination; you did not rely upon it? A. Not entirely, Mr. Goff.

Q. In fact, you knew that some good licks would have to be put in at the last moment, and those could be put in by your political friends, is that not so? A. Possibly, yes.

Q. It is not "possibly," but it is a fact? A. It is a fact.

Q. And your political friends belonging to the Democratic organization known as Tammany Hall secured your appointment from the Republican commissioner, McClave? A. Yes, sir.

Q. Now, to Captain Meakim; when did you first learn that he was under subpoena to attend this committee? A. It was when I visited him, Mr. Goff.

Q. Did he tell you? A. He didn't tell me; no; not till Monday.

Q. How did you acquire the knowledge? A. Monday.

Q. Did he tell you then? A. He told me that he was under subpoena.

Q. You visited him on Thursday night? A. Yes, sir.

Q. Was he in bed? A. He was sick in bed.

Q. When did you next visit him? A. Friday morning.

Q. What condition was he in then? A. When I visited him Thursday night he had a temperature of about 101; he had some difficulty in breathing and pains about his chest and a little sore throat.

Q. What was his condition on Monday? A. His condition on Monday, he was gradually beginning to improve.

Q. And on Christmas day? A. He was slightly improving also.

Q. And on the 26th? A. Twenty-sixth, same conditions still existing, but he was not out of bed yet.

Q. He was not out of bed? A. No.

Q. What is his condition now? A. His condition now is that of a convalescent.

Q. And being a convalescent, it would not take him long to get here? A. Provided it goes on, Mr. Goff; no.

Q. Assuming the favorable conditions to continue, we never know, of course, what is going to occur; but, assuming the favorable symptoms continue, there is nothing to prevent him coming here to-morrow? A. I couldn't say that, Mr. Goff.

Q. When did you last see him? A. This morning, Mr. Goff.

Q. Yesterday you certified that in a few days when he will, I hope, be able to resume duty — yesterday you certified that in a few days? A. Yes, sir.

Q. Doctor, will you swear upon your oath as a physician, that Captain Meakim is not in a condition to be examined by this committee? A. Yes, sir.

Q. You will swear? A. I will swear.

Q. Now, I don't mean his moral condition? A. I mean his physical condition, Mr. Goff.

By Chairman Lexow:

Q. Do you mean to say there has been a general improvement in Captain Meakim since last Saturday? A. No; since Monday he began to improve.

Q. And he has been improving each day gradually from that time on? A. And to-day I should say he was as well as he was yesterday.

Q. Did you not say a moment ago that he was better? A. That is his general condition, but there are certain signs yet present that have not entirely cleared up.

Q. You say he is convalescent? A. Yes, sir.

Q. Therefore, he is better than he was on Monday? A. Yes, sir.

Q. And each day has added to his betterment? A. As a general condition; yes.

By Mr. Goff:

Q. You are prepared to maintain that attitude, no matter what the private family physician has testified to? A. Yes, sir.

Q. Even though he should testify that he was in a condition to come to-morrow morning, you are prepared to say he is not, are you? A. Yes, sir.

Q. Notwithstanding the private family physician? A. Yes, sir.

Q. Have you had a conference with him? A. No, sir.

Q. Have you seen him? A. Yes, sir; I have seen him.

Q. Have you consulted with him about this matter? A. No, sir.

By Chairman Lexow:

Q. Have you compared your diagnosis of the case with his? A. Well, I knew just what was the matter, and after his examination it was just the same.

Q. Have you compared your diagnosis of the case with his? A. Yes, sir.

Q. Do you think the service of a subpoena to come before this committee has anything to do with the captain's disorder? A. I do not.

By Mr. Goff:

Q. What is the difference between severe laryngitis and moderate bronchitis? A. Well, bronchitis may be in the larger tubes and still extend up to the larynx, and a man with pharyngeal bronchitis—well, he may have trouble in his larynx and bronchial tubes, which may be severe in the upper tracks and moderate in the lower.

Q. In which track, in Captain Meakim's case, is the severity most marked? A. Most bronchitis.

Q. Is that the main track you have reference to? A. Yes, sir.

Q. Esculapius said there were five tracks, the father of medicine? A. Yes, sir.

Q. Is that recognized yet as the correct theory? A. I don't know what you have reference to, Mr. Goff.

Q. You know the doctor I refer to? A. Yes, sir.

Q. That German doctor, you know Esculapius? A. Yes, sir.

Q. Did you ever read his works? A. No, sir.

Q. Did you ever read a translation of his works from the German? A. No, sir; I did not.

Q. You know of whom I speak? A. Yes, sir; the father of medicine.

Q. As being the great German professor? A. Yes, sir; you are going too far back, Mr. Goff.

Mr. Goff.— We will excuse you.

Alexander S. Williams, recalled, and testified as follows:

By Mr. Goff.

Q. What particular time of the day or night did you receive confidential reports from Terwilliger, while you were captain of the Eighth precinct? A. I couldn't tell you.

Q. Did you not have a special night? A. No, sir.

Q. To talk with him over the amount of his collection in the precinct? A. No, sir.

Q. Were you not closeted with him once a week? A. No, sir.

Q. If any man swore to that did he swear to a lie? A. I might have been closeted with him every night.

Q. I refer particularly to one night in the week? A. Not specially.

Q. Never mind about specially; that seem to be a stock answer of yours? A. No, sir.

Q. I want the fact — by the way you have used the word so much, give me the meaning of the word specially? A. Special occasions.

Q. What special occasions? A. Any occasion that is special.

Q. What is the characteristic of its being a special occasion? A. If you meet a friend specially, special meeting.

Q. What is a meeting? A. A meeting of two people or any number of people.

Q. Now, I want the meaning of the word specially; that you have referred to so frequently? A. That is the only explanation I can give.

Q. That is the only explanation you can give? A. Yes, sir.

Q. Suppose you were closeted with him one night, and closeted with him that night week, would you call that a special closeting? A. No, sir; I will tell you about Terwilliger.

Q. No; voluntary communications are always meant to deceive? A. It is not; it is meant to give you the truth.

Q. Now, did you know of any panel-houses in your precinct while you were captain of that precinct? A. Yes, sir.

Q. How many panel-houses were there? A. There was one that I knew of.

Q. This morning you swore you did not know of it? A. Well, I heard of it.

Q. You swore you did not hear of it in that precinct, but other precincts? A. I heard of panel robberies.

Q. That is what you swore, that you did not hear of the panel-house in the Eighth precinct? A. That was in operation.

Q. I am not saying that was in operation; I am saying what you swore to? A. I may have sworn to that.

Q. I don't care what you may have done; you swore you did not hear of a panel-house in that district, were you telling the truth or a falsehood? A. I recollect of one now.

Q. Were you swearing to what was true or to what was false when you swore to that? A. I am swearing from memory now.

Q. I am not asking you now; answer my question; were you swearing to what was true or to what was false when you swore to that this morning so positively? A. I don't know as I was positive.

Q. Were you swearing to what was true or to what was false? A. Since what I swore this morning my memory tells me —

Q. That is dodging the question and a brave man like you ought not to dodge the question? A. I am not dodging any question.

Q. I ask you, were you swearing to what was true or false; when you said you did not hear of a panel-house in that district?

A. I know of one now; what I swore to in the morning was true at that time to my knowledge.

Q. If it was true at that time it must be false this time? A. No, sir; it was true as to my recollection then.

Q. You did not swear to your recollection, you said positively? A. Well, that was my recollection.

Q. You did not say it was your recollection? A. I think I did.

Q. No; you did not; you swore Inspector Williams that you never heard of a panel-house in that precinct; now, I want to know if whether when you swore to that you swore to what was true or false? A. I swore to what I recollected.

Q. My question is did you swear to what was true or false? A. I can not answer that way.

Q. You must answer it that way? A. I can not answer it that way.

Q. You must, it demands a fair, categorical answer? A. I swore this morning to the best of my recollection.

Q. Answer my question? A. I can not answer it any other way.

By Chairman Lexow:

Q. Was it true or false? A. It was false then, but that is my explanation.

By Mr. Goff:

Q. It was false at the time you swore to it? A. Yes; now, will you have the explanation?

Senator O'Connor.—The question is, was it intentionally false?

Chairman Lexow.—I think, inspector, you have given the explanation as well as you can.

Mr. Goff.—The law fixes the intention.

Senator O'Connor.—I do not think so.

Mr. Goff.—I beg your pardon. If a man swears to a positive fact —

Senator O'Connor.—You have got to have the intent with it.

Mr. Goff.—The law infers the intent.

Senator O'Connor.—Not necessarily so.

Mr. Goff.—Always; the criminal code and the statute says so.

Senator O'Connor.—The question of perjury is always one of fact; intent is one of the elements of a crime, as to whether it is willful or corrupt.

Mr. Goff.—The law infers that.

Senator O'Connor.—The law infers nothing in crime.

Mr. Goff.—The law infers a criminal intent in the act.

Senator O'Connor.—The whole question is a matter of fact for the jury.

Chairman Lexow.—It is a presumption.

Mr. Goff.—And the presumption is that the jury have the right in a criminal case to infer the intent from the act.

Senator O'Connor.—The presumption is that a man intends what he says; but, nevertheless, to make the crime of perjury it must be a willfully corrupt intent; if his explanation afterwards is satisfactory to the jury it does away with the corrupt intent.

Mr. Goff.—I beg to disagree with you; the law, Senator, says, that if a person swears to a thing positively, which he does not know, or does not claim to know positively; or on information and belief, that he is fully responsible for all the consequences of that act.

Senator O'Connor.—The question is whether he had a willfully corrupt intent at the time he swore to swear falsely.

Mr. Goff.—In a court of law he would not be allowed to make that explanation.

Senator O'Connor.— I disagree with you.

Mr. Goff.— He would be pinned right to it.

Senator O'Connor.— I do not think that is the law.

Mr. Goff.— Right upon that point you know the verifications of pleadings in our civil courts; you know the verification is that a man must swear positively, or on information and belief; and the law is, and it has been decided over and over again, that if he swear to a thing on information and belief, that he has no information and belief upon, he is guilty of perjury if it is false.

Senator O'Connor.— Whether a man has committed a crime or not, is a question for the jury, and if they are willing to accept of an explanation the witness may give them it.

Mr. Goff.— James J. Brady said there were only two things that God Almighty could not do, one was to make two hills with a hollow, and the other to tell what the verdict of a petty jury might be in a criminal case.

Senator O'Connor.— If he states he has made an error, his explanation may be acceptable, provided the jury are satisfied it is a truthful one.

Mr. Goff.— If he says he was mistaken, and shows a reasonable ground for his error. Inspector Williams swears, when he swore to that this morning, it was false.

Q. Did I understand you correctly, inspector? A. That was my belief in the morning.

Q. What is your belief now? A. I believe there is one there.

Q. Only one? A. One that I knew of or heard of.

Q. Now, let us get this thing definite, so that there won't be need of explanation— what was the one you heard? A. It was in Wooster street on the east side, second door below Grand street, I think.

Q. What about the one immediately behind St. Nicholas hotel? A. I never heard of one there.

Q. Never heard of that, did you? A. No, sir.

Q. There were three right in that block? A. Not in my time.

Q. Right in the rear of the St. Nicholas Hotel? A. Not in my time; no, sir.

Q. Do you mean to say that Sergeant Gru did not know? A. I don't know what Sergeant Gru knew.

Q. Sergeant Gru, does he know more than you do as captain of the district? A. He might have information.

Q. It was his duty to communicate it to you? A. I don't recollect that he did.

Q. Did he ever communicate anything to you about panel-houses? A. He was a witness —

Q. I am not asking about that? A. No, sir; he never did.

Q. Have you read up his testimony during recess? A. No, sir.

Q. Where was he a witness? A. At police headquarters.

Q. In what case? A. In that case.

Q. What case? A. The case of alleged panel-houses.

Q. Of alleged panel-houses? A. Yes, sir.

Q. How that word "alleged" sticks to you, inspector; Sergeant Gru swears, "Q. While you were there (that is while he was sergeant under Captain Williams in the Eighth precinct) were there any panel-houses in that precinct? A. Yes, sir." Did he swear to what was true or untrue? A. I only know what Sergeant Gru told me afterward.

Q. Did he swear to what was true or untrue? A. He told me that he did not swear to the truth.

Q. Did he swear to what was true or untrue? A. I don't know.

Q. You, as captain of a precinct, can not tell? A. No, sir; I can not.

Q. Were there panel-houses there? A. I told you about one.

Q. When you say about one, might there not have been two? A. There might have been.

Q. Might there have been three? A. There might have been.

Q. So that we get the fogs on your memory lifted up a little this afternoon; now, there might have been three? A. Yes, sir.

Q. And might have been four? A. Possibly.

Q. Half a dozen? A. Do you know what a panel-house is?

Q. I told you, yesterday, inspector, that it would be much more becoming of you to act as a witness here, and not to attempt any of your jocose remarks? A. I am not making any jocose remarks.

Q. Do not put questions to me? A. I want to keep right; I want to give you the evidence straight.

Chairman Lexow.—I do not think there is any necessity of informing Mr. Goff on any of these questions; he is over 21 years of age.

Mr. Goff.—Not the slightest necessity; there ought not to be.

Q. Do you remember the classification of the houses of ill-fame that took place in your district? A. No, sir.

Q. Do you remember the order that was given to have the houses of ill-fame in your precinct classified? A. No, sir.

Q. Sergeant Gru swears that there was a classification there made of these houses, and subdivided into three classes, parlor houses, houses of assignation, and furnished-room houses? A. That has always been.

Q. I am asking you about the classification—then it existed there? A. Oh; yes, sir; not only in that place, but all parts of the city where it existed.

Q. Sergeant Gru testified that in the 83 houses that you yourself certified to existing in that precinct, there were 346 inmates, girls? A. That would be a fair proportion.

Q. Sergeant Gru and yourself agreed on the number of houses and that there were 346 inmates; the question was asked Sergeant Gru, at the Assembly committee to inquire into the causes of crime in the city of New York; after that report had been made, the report of the 83 houses; after that report had been made and furnished, were those houses suppressed? A. No, sir; there was no suppression done, except on one block there about the time the board of education was endeavoring to suppress them.

Q. That had reference to the time you appeared before the committee of the board of education? A. That was the block between Bleeker and Houston.

Q. You swore, this morning, that you never heard of a robbery having been committed in a panel-house in that precinct; now, have you had a chance to burnish your memory on that subject? A. That house that I spoke about a few minutes ago.

Q. You were mistaken on that? A. Yes, sir; in that case.

Q. Then you did hear of it? A. Yes, sir.

Q. The question was asked Sergeant Gru, "While you were a sergeant in that precinct and acting so, were any complaints made to you of the robberies in panel-houses in the precinct?" A. Yes, sir. Q. "Did you inform Captain Williams of the complaints"—did he inform you of the complaints? A. He may have.

Q. Did he? A. I don't recollect.

Q. He swears he did? A. If there was a report of Sergeant Gru, it was his duty.

Q. Never mind his duty; he answers here, "Yes, sir;" did he swear to what was true or what was false then? A. That I couldn't say.

Q. Can you say whether it was the fact or not? A. I only recollect of one house.

Q. Can you say whether it was the fact or not that he did inform you? A. I could not.

Q. When he informed you, what was his duty as to the manner of information, in writing or orally? A. He may have entered it in the blotter.

Q. That would be a report in writing? A. Yes, sir.

Q. What did he do; did he enter it in the blotter? A. I don't recollect that it was entered in the blotter.

Q. The question was asked the sergeant, "Verbally or in writing?" A. Both. Q. Both? A. Sometimes in one and sometimes in the other. Q. When you made them, did you keep a duplicate or memorandum of these notices you gave him? A. In most cases I did. Q. Have you the duplicates or memoranda now? A. Yes, sir. Q. Have you them with you? A. I have. Q. Be kind enough to take them in your hand and I will question you in regard to them (the witness produces several papers and he swears he has them in his hand now;) he swears that on November 29th complaint was made of a robbery in a panel-house, No. 75 Mercer street; he makes a selection and says 'No; it was 75 Greene street;' do you remember that written report? A. I recollect he gave some evidence before the commissioners.

Q. Keep to the question? A. I don't know what he swore to before the committee.

Q. Did he swear to what was correct when he swore to that? A. I don't know.

Q. Have you any idea on the subject? A. No.

Q. Have you any impression on the subject? A. No; except what he told me.

Q. And you were tried and one of the police commissioners wrote an opinion and said you were incompetent and a disgrace to the force? A. And three others didn't.

Q. Two others; it was a tie; now, did any of the persons who have complained of having been robbed in these panel-houses appear before you personally? A. That I don't know.

Q. How is it you know absolutely nothing now and knew everything this morning? A. It is 21 years ago.

Q. But you knew everything this morning? A. I didn't know everything this morning.

Q. If you knew so much this morning when you were able to answer so positively as you answered, how is it your memory has so suddenly failed you? A. When there are so many complaints you can not recollect.

Q. How is it your memory has so suddenly failed you since this morning? A. My memory hasn't failed.

Q. Why did you answer so positively this morning? A. I thought I was right.

Q. And has that been the line of your examination when you thought you were? A. Yes, sir.

Q. It was a question of thought with you? A. Yes, sir.

Q. Not a question of knowledge of facts? A. Knowledge of facts and thinking, the same thing.

Q. Are you like the great Napoleon; you can think on one subject and talk upon another? A. You ain't going to ring in any ancient history on me like you did on the doctor.

Q. I am not ringing in ancient history on you; I am asking you and I know something I think about the operations of the human mind fairly well; can you not have your thought upon one subject, while you are answering upon another? A. Sometimes.

Q. And you have had it in this case during this examination? A. How do you know?

Q. I am asking you, sir? A. Possibly I have.

Q. And you have taken an oath here to tell me the truth and the whole truth? A. Yes, sir.

Q. And not to reserve anything? A. Not that I know of.

Q. No mental reservations, inspector? A. Where I have reserved, it is because I didn't think.

Q. And you didn't want to think? A. I don't know.

Q. You mean to say you don't know whether you want to think or not? A. I will give you correct answers as near as I can.

Q. In one case here Sergeant Gru testified that the men who had been robbed were brought before you when you had a conversation with them, and the officers were sent out in plain

clothes to arrest them; do you remember that case, inspector?
A. No, sir.

Q. Do you remember that the officers were sent out to a different part of the precinct where the women who were accused of committing the robbery were in the habit of frequenting? A. No, sir.

Q. Sergeant Gru swears in answer to the question, "None of the officers were sent to the neighborhood where the robbery occurred?" A. None of the officers were sent to the vicinity; the girls that were brought in were those who walked up and down the street, and not the ones that were in the houses;" do you remember that occasion? A. No, sir.

Q. Here is a man who made a complaint to you, according to Sergeant Gru, of being robbed in the house 143 Mercer street; a panel-house; do you remember that? A. No, sir.

Q. The man whose name was given here, and his number and residence; here is another five days afterward; his name was given; robbed in the same house; in a panel-house, 143 Mercer street; do you recollect that? A. I recollect that there was a case reported to the station-house.

Q. Here is another in the same house; a third robbery? A. One moment, Mr. Goff; there was a case alleged to have been reported — excuse me for using the word, I am using it too often perhaps; there was a case reported to Sergeant Gru; he said it was reported to him; I don't know what action he took on it; but he did testify he reported it to me; I was in Philadelphia that night.

Q. There are right on one page of Sergeant Gru's testimony here, four specific cases in which he produces copies of the report in writing which he made to you of robberies in that one house, four robberies? A. On the trial before the board he admitted his reports were wrong; you will get the evidence there, Mr. Goff.

Q. Almost within two or three weeks these four robberies occurred, and he swore to that fact? A. He admitted those complaints were wrong.

Q. I am not asking you about what he admitted before the police board; I am asking you whether or not you can say this testimony is true or false which he gave? A. I could not.

Q. You have no knowledge on the subject? A. Except what he told me.

Q. "Do you know whether or not it was the custom of Captain Williams and Terwilliger to be closeted on Saturday nights in the captain's room? A. They generally had a good deal of business to transact on Saturdays; late on Saturday nights." Do you remember the specific business you had to transact with Terwilliger? A. I lived in the station-house.

Q. Do you remember the specific business you had to transact with this Terwilliger? A. No, sir; without I was in the street I was in my room; I lived in the station-house; I had no other home.

Q. Do you remember the woman there that openly and loudly complained of having to pay that infernal revenue to the police? A. No, sir.

Q. Never heard of that? A. No, sir.

Q. Never heard of Gru swearing to it? A. No, sir.

Q. "Anything about threats made to her? A. She said she had been threatened with being arrested if she did not pay this, referring to the money she had to pay. Q. Pay what? A. This infernal revenue;" did you never hear of that? A. No, sir.

Q. And such things may have occurred in your precinct without your knowledge? A. Yes, sir.

Q. And you have risen to the grade of inspector upon your record? A. Yes, sir.

Q. And yet you admit here that these crimes, these robberies and blackmailings, and the existence of these houses, could continue in that precinct without your knowledge? A. I arrested a great number.

Q. You have stated that they had existed without your knowledge, that you had no knowledge of them? A. Which, panel-houses?

Q. All these cases that I have referred to? A. Oh, no, sir; I have not.

Q. Could they have existed in your precinct without your knowledge? A. Some of them could; yes; certainly.

Q. And yet you, captain of that precinct? A. It requires but two rooms for a panel-house.

Q. It was your duty to find out, was it not? A. It was my duty to detect crime if possible.

Q. It was your duty to find out, your specialty? A. You can not anticipate a crime.

Q. I am not asking you for any views on crime; I am asking simply for the facts? A. I do what I can to discover them.

Q. It was your duty to find out? A. If I could.

Q. And if you could not you were not competent or fit for your place? A. Not necessarily so.

Q. That is your private judgment? A. That is my judgment, and the judgment of the public.

Q. You remember the association of citizens that organized in the Eighth precinct at the time and also in the Fifteenth, which is all the same? A. There were two different associations.

Q. They afterward amalgamated, I believe? A. That I don't know.

Q. I think — I won't assert that as a fact, but it is my impression, however, that there were associations of citizens there that organized for the purpose of protecting themselves against these disreputable houses and thieves; do you know that? A. No, sir; against disreputable houses.

Q. And against the robberies, etc., committed in that precinct? A. No, sir.

Q. They associated themselves together because the police wouldn't protect them? A. No, sir.

Q. What was the object? A. Disorderly-houses; they claimed they were injuring the public school; Mr. Goff, you told me yesterday that if there was any testimony here that I would contradict you would give me a chance to do so.

Q. I did, and I mean to? A. At an early session of this committee —

Q. Well, it is out of order now, but I don't object? A. It won't take but a few moments.

Q. What are you going to say? A. I am going to show you an entry in the blotter —

Q. Let us have your explanation first? A. A man came before this committee and was put on the stand and testified that he was broke up in business at 431 Pearl street because he wouldn't give me \$75 a month.

By Senator Pound:

Q. Who was the man? A. A man by the name of Schubert; and that I arrested him, his wife and his niece; the fact is, and there can not be a mistake, because there is no reason to cover it up — you will find no erasures — I arrested him and his wife

and 11 other people; I arrested them on the complaint of Solomon Jackson, of 438 Pearl street; they were both held to bail and both indicted; the arrest was made on the 29th day of January, 1875, and they have never been tried; the complainant, the officer, is still alive.

By Mr. Goff:

Q. How many years ago is that?

Chairman Lexow.—Nineteen years ago? A. Nineteen years ago.

Q. Have you read all from the entry? A. There is the entry.

Q. I mean all that you have stated? A. Yes, sir.

Q. Will you allow me to look at that.

(Witness handed Mr. Goff the book.)

Q. The last entry? A. Yes, sir.

By Chairman Lexow:

Q. In what respect, Mr. Inspector, do you claim that that is a contradiction of the testimony of Schubert? A. The character of a man.

Q. Where do you show any contradiction between his testimony and the blotter? A. The number of arrests.

Q. Do you mean because 11 were arrested in addition to Schubert? A. Yes, sir; and that I arrested him; I didn't; I was not in the station-house at the time; the blotter will show that I left on patrol at 9 o'clock and didn't get back until 10:20; in the meantime the arrest had been made during my absence; he went from 431 Pearl street to 117 Chrystie street, and while there was arrested on the complaint of his wife and sent to State prison on a plea of guilty, for one year for bigamy.

By Mr. Goff:

Q. Who is this Schubert? A. There is a record of his conviction and the complaint of his wife (exhibiting paper); from Chrystie street his wife went to No. 4 Marion street and was driven out of there; she went from there to Europe; Schubert did his time in Sing Sing and came back and is now living with a woman that has eight children —

Q. You are all wrong? A. No, sir; he is living in Eighteenth street.

Q. You have got the wrong man? A. No, sir.

Q. We will prove before this committee adjourns that you have? A. No, sir; Mr. Goff; there is his record.

Q. I know all about that; it is very easy to get up a record of a man's name.

By Senator O'Connor:

Q. Why was not the indictment tried that was found against him? A. I don't know.

By Mr. Goff:

Q. Of course, we all know, Inspector Williams, how a captain can be held innocent by going out of the station-house when an arrest is to be made, so that he will know nothing about it? A. Well, if you want to do it that way; if you want to cast that reflection you can do so.

Q. I am not casting any reflection; I simply know how it can be done; you arrested here 11 persons, you say? A. I think 13, Mr. Goff.

Q. Eleven persons, and all charged with disorderly conduct, and they were all discharged by the magistrate? A. Yes, sir.

Q. Evidently the magistrate didn't take much stock in that charge? A. The proprietor and his wife were held.

Q. Evidently the magistrate didn't take much stock in your charge? A. They generally discharged the others, except the proprietor.

Q. Well, Judge Kilbreth was a well-qualified police justice? A. As good as ever was on the bench.

Q. He discharged all these people? A. They generally do.

Q. And held Schubert and the wife in \$1,000 bail; you say that he has been indicted; I don't know; do you know it is a fact? A. I have seen the indictment.

Q. Where? A. In the chief clerk's office of the Court of General Sessions.

Q. When? A. Since that man was on the witness stand here.

Q. You went to look up all these things? A. I went to look up that.

Q. Why didn't you have that indictment tried? A. My duty ends when I go to a police court or grand jury.

Q. Did you go before the grand jury in that case? A. No, sir.

Q. Do you mean to say that your duty ends as a captain of police to not follow all your cases? A. Unless I am summoned I have no business to go there.

Q. And the fact remains that this indictment has not been tried? A. It has not been tried.

Q. I don't mean to hold you responsible for that? A. No, sir; I am only telling you the condition of the case.

Q. Would you know this man if you saw him? A. No, sir.

Q. And when you read out of here, you can not swear it is the identical man? A. No, sir; except that he gives that number.

Q. You can not swear it is the identical man? A. He gives that number and gives that time.

Q. Can you swear it is the identical man that testified before this committee? A. I believe it is.

Q. Do you know it; have you ever seen him yourself? A. I didn't see him here; no, sir.

Q. Have you got the record of that indictment for bigamy? A. Yes, sir.

Q. Will you let me look at it, please?

(Witness handed Mr. Goff paper.)

Q. We do not want to raise an issue upon this question because it is not material, but we think you are mistaken as to the man? A. I don't think so; there was another thing, Mr. Goff; it was testified to before this committee that when I was in the street cleaning department, I bought two tug-boats for which I paid enormous prices.

Q. Who testified to that? A. I saw it published in the papers in connection with, I think, the Perkins business.

Q. Did you see it charged in the papers that any witness swore to that? A. Yes, sir; I think so.

Mr. Goff.—I have no recollection of any witness having testified to that fact before this committee. Have you, Senators, any recollection of any witness so testifying?

Senator O'Connor.—Some witnesses or witness testified to the selling of tug-boats and then buying them in.

Mr. Goff.—That was later on, in connection with Commissioner Andrews.

The Witness.—That was before that, Senator.

Mr. Goff.—I have no recollection of any such testimony? A. Well, I have seen it published.

Mr. Goff.— Well, you must have got it mixed up with something else.

The Witness.— No, sir.

Chairman Lexow.— Did it bring your name in?

The Witness.— Yes, sir.

By Senator Pound:

Q. That was a recent matter? A. It was before that, Senator Pound; there was one more thing, Mr. Goff.

Q. All right. A. I don't want to take your valuable time.

Q. Oh, not at all; it is all the same to me. A. Or lose mine.

Q. What are you reading from? A. The Evening Sun.

Q. What date? A. Last night.

Q. Wait a while; if you wish to correct any testimony or or contradict any testimony, that is the question and that is the full question; but not to correct anything that may appear in the newspapers? A. That if I had seen —

Q. Pardon me; is it to contradict or correct any testimony given by any witness before this committee? A. You told me if I saw it in any newspaper to bring it to you.

Q. No; I did not; I told you, if you had at any time, or if at any time it occurred to your memory to contradict or correct any testimony given by any witness relating to you before this committee, you could do it at any time, notwithstanding it broke in upon the order of this examination; but don't let us get into a correction of newspaper reports? A. No, sir; this was in relation to Schmittberger's testimony, and why he should give it against me; I said, because he had been promised immunity by the committee.

By Chairman Lexow:

Q. And you were asked whether you had seen it in a newspaper?

Mr. Goff.— Yes.

A. "Lawyer William F. Howe, counsel for Captain Schmittberger, was in an exceedingly cheerful frame of mind when he appeared at the district attorney's office to look after the interest of his client. He said, 'It is about as certain as anything can be in this world, that Captain Schmittberger

will never be placed on trial.' 'Why?' 'Simply because the Lexow committee has promised him immunity when he testified. I can say one thing,' added Mr. Howe, 'that though the trial of Captain Schmittberger is on the calendar for January 7th, I do not anticipate that anything will occur to prevent me going down to the beach on that day, if I so desire.' "

By Senator O'Connor:

Q. That is in last evening's Sun, isn't it? A. Yes, sir.

Q. Your testimony was given before that, was it not; you couldn't have seen that in the papers at the time you swore before? A. But I had seen to that effect.

By Chairman Lexow:

Q. Didn't you know that the law says that anybody who comes on the stand here and testifies can not be indicted, prosecuted or punished; don't you know that? A. No, sir.

Q. The committee does not grant him immunity, but the law does? A. I don't know it, sir.

By Mr. Goff:

Q. Let us see; that appeared in last Evening Sun? A. Yes, sir.

Q. You testified before you read it in that newspaper? A. Yes, sir; but I read it in some other.

Q. Why didn't you bring the others? A. I didn't find the other.

Q. That has nothing to do with your testimony — what appeared in the newspaper after you testified? A. I think this occurred before my testimony.

Q. You were here all evening? A. I had no knowledge of it until I seen it in the paper, what is published here.

Q. Then you have heard it since? A. Yes, sir; and I heard it before, but what paper I couldn't say.

Mr. Goff.—There are some important witnesses that I want to get through with, so I will ask you to step aside, inspector. I am sorry to break into the examination, but these are witnesses that I have been trying to get for some days, and on an important matter.

Mr. Goff.—There has been a very authoritative precedent established by this committee and an authority which we have respected in our procedure of keeping within the limits of our jurisdiction as closely as possible, and that is, for failure to enforce criminal law and to prevent crime, the police department of New York is responsible. In addition to that, however, I wish to urge another view why this committee should hear this testimony and why it should go on the record. This committee came here unprejudiced against the police department of the city of New York. It came here to investigate whatever is good in the police department, to bring it out, if possible, as well as whatever is bad. We have had a good deal of testimony here showing that the green goods business in New York has been protected for years under the police of this city. This testimony goes to show that the business of green goods is not protected alone by the police; that they are not responsible for all protection; that somebody is. This testimony shows, if it be true, and we have got to accept it as true, that Mr. Comstock, an agent of a private society, has accepted money for substantially the same reason which the police have accepted it. I wish to be just to the police, both for and against them, and where corrupt transactions have taken place in relation to the same subject-matter, it forms part of that whole subject-matter; and where corruption and protection money has been paid by green goods men to the police or anyone else for permission to violate the law, we have a right to follow it up and to do justice to the police as well as to charge them with neglect of duty.

Chairman Lexow.—It is a pretty bad indictment against Mr. Comstock, if its true.

Mr. Goff.—Will you please warn all witnesses under subpoena every one to be here in the morning?

Chairman Lexow.—All witnesses under subpoena for to-day will appear here to-morrow morning at half-past 10 o'clock. The committee will stand adjourned until that time.

Proceedings of the seventy-third session of the committee of the Senate of the State of New York, to whom was assigned the investigation into the conduct of the police department of the city of New York, held in the Superior court-room, part 1, in the city of New York, on Friday, December 28, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Daniel Bradley, Cuthbert W. Pound, Jacob A. Cantor and Edmund O'Connor; John W. Goff, Frank Moss and W. Travers Jerome, of counsel for the committee.

Chairman Lexow.—Are you ready to proceed, Mr. Goff?

Mr. Goff.—Yes, sir. Inspector Williams take the stand.

Chairman Lexow.—Mr. Goff, before taking up the testimony of Captain Williams, I am in receipt to-day of a letter from Mr. Comstock, with reference to the testimony that was given yesterday. The committee has considered the matter, after the explanation of the reason why the testimony was adduced before this committee yesterday, and after due deliberation, we have reached the conclusion that it is not within the scope of our inquiry, and, therefore, that we will not hear Mr. Comstock or anybody else upon that question. The stenographer is directed to strike testimony from the record.

Mr. Goff.—I can say, Mr. Chairman, I almost regret your decision, because this holiday time I think it would have been interesting to hear Mr. Comstock in vindication.

Chairman Lexow.—Well, if you desire to examine Mr. Comstock —

Mr. Goff.—I do not desire a vindication. I expected Mr. Comstock would have come here to-day like a cyclone.

Senator O'Connor.—I should think it ought not to be stricken from the record, if he wants to deny it, as it has done all the injury that could be done.

Mr. Goff.—Mr. Senator, I have repeated over and over again, it is now unnecessary for me to repeat, that if this committee were to go along picking their steps, and fearful lest a name should be mentioned of a man who would require vindication we might as well not have had an open session. We have had to go along here in the face of ridicule and abuse and condemnation. We must stick to, and are doing our duty. The fact of the matter is that I received intimation that those Streeps had been indicted and the indictments had been dismissed for some reason, and in pursuing my line of investiga-

tion in connection with the green goods men I was informed, on what I considered pretty reliable authority, that money was paid by the Streeps. I have been after them a long time, and it was only yesterday that we could get them, and the detectives brought them here to let them testify in connection with a matter that I thought, and now believe, was a proper matter for this committee to hear about, concerning this green goods business, of which so much testimony has been taken. I had no knowledge whatever of the mention, for instance, of Mr. Mott's name, a gentleman whom I respect very highly, who has always been an honored member of the bar of this city within my remembrance; and I took the move that that be stricken from the record. I had no knowledge of these matters at all. All the knowledge I had was that money was paid for the dismissal of those indictments upon these green goods prosecutions; and it was my duty to run that matter down as far as I could. I presented the evidence here to let the witnesses testify themselves; and if you remember, that these matters that were stricken out were not in answer to any question of mine; in fact, the statement was wholly volunteered.

Senator Cantor.—And hearsay also.

Mr. Goff.—As far as I found that, I moved it be stricken from the record. I do not propose, as far as it is possible for me to do so, to allow people's names to be dragged in here, except upon direct evidence.

Senator O'Connor.—This case of Comstock was direct enough.

Mr. Goff.—That was direct enough. It was not in my province to know what witnesses are going to testify in every case, or one out of a hundred cases. As you, Senators, very well know, the great majority of the witnesses that have gone on the stand have had to be, what we may call, probed and twisted to get at the testimony; and in but few cases have the witnesses gone on to show they desired to testify voluntarily as to the truth.

Chairman Lexow.—One extraordinary part of the testimony is the fact that the indictments were dismissed, although Mr. Bechtold positively had sworn to the guilt of the accused; and that the district attorney's office would have permitted an indictment of that importance to have been dismissed in that way. At the same time the only reasons for the introduction of the evidence, as I understood the counsel, was to show the police were not the only recipients of blackmail.

Mr. Goff.—That was not the only reason, but one of the reasons.

Chairman Lexow.—We are here to investigate the police.

Mr. Goff.—It was in connection with, and as much as our testimony about the green goods business, pointed directly to a corrupt combination between the green goods men and the police. It was reasonable for me to follow out that line, as I was informed that money was paid to procure the dismissal of those indictments, and as it grew out of, practically speaking, a police matter; because the warrant could not have been executed except by the police, and it was, practically speaking, in the scope of the police department, although moving on the application of Mr. Comstock. It was proper for me to make an inquiry, as long as it was a police matter. Now, I may say here—you see, Senators, that in following this line of inquiry touching this vast conspiracy and corrupt combination of the green goods business in this city, our inquiries led us into the federal post-office in this city, and into the federal post-office in Jersey City, and the federal authorities took the matter up and suspended certain men whose names were mentioned; and I do think that this community, whether in this State or in the United States, will not hesitate to accept evidence coming from this committee that will help to purify the public service, whether State or federal, municipal or otherwise. While we have rigorously kept ourselves to the line as nearly as we could, and rejected evidence that we knew before hand was manifestly beyond our scope or jurisdiction, yet within our lines, where those lines led out to ramifications, we had to follow those ramifications in order to show the corruption of the main testimony.

Chairman Lexow.—Does the testimony of Streep, however, appeal to your good judgment as credible testimony?

Mr. Goff.—It did, sir.

Chairman Lexow.—Do you think that a man, if he is corrupt, in Mr. Comstock's position, would take a bribe of that kind in the presence of two witnesses?

Mr. Goff.—I do not wish to express any opinion about that. I never have expressed an opinion. I simply take the sworn testimony. We have been here taking sworn testimony, and all I knew was that money had been paid to some one, as I have been informed, for the dismissal of those indictments. It was my duty to find out, as I considered it, to whom that money was paid. I heard before I ever saw or knew of Streep that

there was a green-goods case that reached indictment and that the indictment had been bought off. I ran down the list of indictments within the period of time that I heard, and I found this Streep indictment, and I looked up the Streep matter. It was a long time before I traced them; and, acting on my information that money had been paid, I came upon that case in the papers, and when I looked over the case I found the Streeps, before I ever saw them or ever heard of them, had paid money to some one, paid \$1,000 in bills to some one for the dismissal of that indictment; and I believed it my duty to run it down, and I got them before the committee, and let them tell their own story. I never knew anything about Mr. Bechold, or Mr. Mott, or Mr. Evarts, or the proceedings in the United States courts. I knew nothing about the filing of indictment and conviction in the United States Court.

Chairman Lexow.—The committee does not wish to be understood as wishing to shield anybody; but it seems as if this was not in the scope of the resolution, and, therefore, that we had no right to inquire into these matters; and, in addition to that we have so much important testimony before the committee, and so short a time to take it in, that I do not think we should give Mr. Comstock an hour or more of our time in explaining this matter.

Mr. Goff.—I will say that I have seen it stated in some of the newspapers—the Associated Press Association has been kind enough to send me a report purporting to emanate from Mr. Comstock, saying he would see me, or this committee. I wish to state here publicly, to save me the trouble of stating it to the press, personally, I will decline to have any communication with or any connection with Mr. Comstock, of any nature, until he puts in writing all that he knows, and all that he is prepared to say in reference to a certain case by the name of Gray that he says I recommended the dismissal of the indictment or failed to prosecute when I was district attorney. When he does that, when he puts in writing all that he is prepared to say, and all he knows about that case, then I will talk to him. I have no feeling. My relations with Mr. Comstock have always been pleasant. My relations to every man called to the chair there by accusations of corruption, so far as I have ever known them, have always been pleasant. I have not had a personal altercation, or a case of personal enmity, or personal disagreement with any man that has ever taken that witness chair, any more than

I have had with Mr. Comstock. I wish to say here now, while we are on this subject, Mr. Senators, that I had not any doubt but that when this committee adjourns, as it will have to adjourn soon, and after its adjournment there will be any amount of demands for vindication.

Senator O'Connor.—There has been a general invitation of some standing, of some days ago, that they could have availed themselves of if they wanted it.

Mr. Goff.—Yes; and I have not had any applications since that night; not a request.

Alexander S. Williams, recalled and further examined, testified as follows:

By Mr. Goff:

Q. Inspector, how much money have you in United States bonds? A. Not a dollar.

Q. Did you ever have? A. Yes, sir.

Q. How much? A. Five hundred.

Q. How much has your wife invested in United States bonds? A. None.

Q. Five hundred what; you said five hundred? A. Five hundred dollars.

Q. You are worth \$500,000 altogether? A. No, sir.

Q. How near are you? A. A long ways off.

Q. How much is your place up in Cos Cob worth, Inspector? A. It is assessed; the property up there—

Q. Never mind; I am not asking what the assessment is; we know there are millions of dollars in property not properly assessed? A. It is assessed \$13,000.

Q. That is no standard; we know in New York too much about assessments to take the assessment of property as an estimate of the value; what is your place worth—all your houses; how much money have you spent on that place up there? A. I could not tell you.

Q. One hundred thousand dollars? A. No, sir.

Q. Will you swear you have not spent a \$100,000? A. Yes, sir.

Q. How much did the construction of the dock cost? A. That I would not tell you.

Q. Forty thousand dollars, was it not? A. No, sir.

Q. How near it? A. About \$39,000 off; possibly more.

Q. How long have you been building it?

By Chairman Lexow:

Q. You mean about \$1,000? A. Yes, sir.

By Mr. Goff:

Q. How long have you been building it? A. Off and on about 10 years.

Q. How many scows had there been employed, or tug-boats, in carrying stuff to fill in there? A. There was one tug-boat that brought a scow load of cellar dirt there.

Q. You have built a sea-wall there; a stone sea-wall? A. Yes, sir.

Q. Running out 100 feet into the water? A. No; I don't know how far out it is run.

Q. That is the exact measurement of it, inspector; and you have built a fine boat-house there? A. There is a boat-house there; nothing extra.

Q. And a summer-house? A. No, sir.

Q. How many houses have you upon your domain anyway? A. Three.

Q. Well, you have built a new house there, Queen Anne style? A. I don't know as to Queen Anne; I don't exactly know what style it is.

Q. That is what the architect calls it; 15 rooms in the house? A. I think it contains 17.

Q. One hundred and thirty-five feet front? A. The house?

Q. Yes. A. No, sir

Q. What are the dimensions? A. Thirty-six feet front.

Q. What is the depth? A. Forty-two feet.

Q. Is that counting all the houses connected with it? A. Yes, sir.

Q. Then you have your coachman's house, near by? A. No, sir.

Q. Haven't you a coachman's house on the grounds? A. No, sir.

Q. Have you got a coachman there? A. No, sir.

Q. How long is it since you had one? A. Never had one.

Q. How are the houses occupied? A. Which?

Q. The houses on your place; you have got three houses? A. No, sir; I have not; three dwelling-houses.

Q. Those are three houses? A. Yes, sir.

Q. How are they occupied and by whom? A. The small one I gave \$1,160 for, is let for \$200 a year; the one I gave \$3,600 for is let for \$480 a year.

Q. You had dredging there, a good deal of dredging before you could build your sea wall? A. No, sir.

Q. Did you have any dredging done? A. No, sir.

Q. You had dredging done? A. Not for that sea wall.

Q. To build what? A. To make a channel.

Q. To allow your yacht to get up there? A. No, sir.

Q. What is the channel there for? A. To allow a row boat to come up.

Q. Did your yacht ever go up the channel? A. No, sir.

Q. How long have you owned that sloop-yacht, Elenor? A. One thousand eight hundred and seventy-eight, I think.

Q. Where was she built? A. Greenpoint.

Q. Have you had any craft built in Machias, Maine? A. No, sir.

Q. Directly, have you any interest there? A. No, sir.

Q. Directly or indirectly? A. Indirectly.

Q. Was there any craft built there for you? A. No, sir.

Q. What was the indirect interest you had? A. I gave a vessel a set of flags.

Q. Is that all the interest you had? A. No, sir.

Q. What other interest? A. Two thousand dollars interest in it.

Q. In what shape? A. That much ownership.

Q. In a ship or in a vessel? A. She is a brigantine.

Q. Is that the only interest you have there? A. That is all.

Q. How much did your yacht cost? A. The contract price was \$4,000.

Q. How much did your yacht cost, I asked you; I did not ask you the contract price? A. It cost me something to run her since.

Q. How much did your yacht cost when she was built? A. That was the contract price.

Q. I ask the price? A. That was the cost.

Q. Who built the yacht? A. John Parmley.

Q. Over in Greenpoint? A. Yes, sir.

Q. How many did your crew consist of? A. Three.

Q. You have had her in commission ever since? A. No, sir.

Q. Every year? A. Once in a while.

Q. Every year? A. Yes, sir; I have a commission for once in a while.

Q. And you have your guests, frequently officers of the department, on your cruises? A. No, sir.

Q. Never have any? A. No, sir.

Q. Has Captain Devery never been on your yacht? A. I do not recollect that he was.

Q. Will you swear Captain Devery was not on your yacht? A. No; I would not; but not on a cruise; I would swear he was not.

Q. Was your yacht placed at the service of Mr. McClave's family? A. I think McClave's family was taken out on the sail for Black Rock; I don't know how far they went.

Q. For Black Rock; is that all the service? A. That is all, sir.

Q. You are sure it was for Black Rock? A. I think it was for Black Rock; I think Commissioner McClave was summering there at that time.

Q. You are mistaken as to the location? A. I may be.

Q. Suppose we say it is Shelter Island? A. It may have been Shelter Island.

Q. Any man can be mistaken on that; it is on the same side of the sound; that is Mr. McClave's own testimony? A. He ought to know.

Q. In addition to the three men, you carried a cook? A. No, sir.

Q. The yacht carries a cook? A. No, sir.

Q. And the captain; haven't you had five men as a crew on your yacht, including all? A. No, sir.

Q. Had any? A. Oh, yes; I had eight one day.

Q. I do not mean visitors? A. I do not mean visitors either.

Q. The crew? A. The crew; yes, sir; eight.

Q. I ask you if you haven't had five men in active service there some seasons? A. No, sir.

Q. How did you come to have eight? A. Entering a race; to race her.

Q. Did you ever cut off coupons of your United States bonds in the station? A. No, sir.

Q. You had an income of from \$7,000 to \$8,000 a year from the Tenderloin while you were there? A. No, sir.

Q. No income from it? A. No, sir.

Q. Of course you are prepared to swear that you never touched a dollar? A. I am prepared to swear to the truth.

Q. You are prepared to swear you never touched a dollar?
A. I am prepared to swear to the truth.

Q. Are you prepared to swear you never received a dollar outside of your salary while you were captain of the Tenderloin?

A. I received money, but not from the Tenderloin, as you call it.

Q. What money did you receive? A. Five or \$6,000 down town.

Q. What from? A. Stocks.

Q. From whom? A. The firm of Freece & Hoey, brokers.

Q. Freece & Hoey? A. Yes, sir.

Q. Where? A. Forty-seven Broadway.

Q. What stocks? A. I could not tell you.

Q. How much did you pay to get that \$6,000? A. I didn't pay anything.

Q. Received it as a present? A. Yes, sir.

Q. A present? A. Well, not exactly a present; Mr. Freece said he would take chances on the stocks and give me the results.

Q. Was this the Hollywood Freece? A. Yes, sir.

Q. And we have it that Mr. Freece gave you \$6,000 or \$7,000 in stocks? A. Five or six thousand dollars; he did not give me any stocks; he gave me the money.

Q. You do not know where it came from? A. He told me it came from stocks.

Q. You did not know the stocks? A. No, sir.

Q. Then he gave you \$5,000 or \$6,000? A. He said he would take chances on stocks and if successful would give me the returns.

Q. Did he tell you that before he gave you the money? A. Yes, sir.

Q. How long before he gave you the money did Freece, of the Hollywood whisky, tell you that? A. I could not tell you.

Q. The month? A. I can not say.

Q. Or the year? A. I could not say.

Q. Is this the case of Gus Tuthill getting \$2,500 out of \$200?
A. I don't know.

Q. This beats Tuthill? A. Yes, sir.

Q. You got \$5,000 or \$6,000 out of nothing? A. That is correct.

Q. What year was that in, inspector? A. Eighteen hundred and seventy-eight or eighteen hundred and seventy-nine, I think.

Q. Well, Freece was president of the Hollywood Company then? A. I think not; I am not sure.

Q. Will you swear he was not? A. No, sir; I would not.

Q. You never knew Freece, except since he has been president of the Hollywood Whisky Company? A. Yes.

Q. Did you know him before? A. Yes, sir.

Q. When did he enter into the Hollywood whisky business? A. That I could not tell you.

Q. I would like to have this conversation, for the benefit of the suffering poor of New York at this season of the year, that occurred between yourself and Freece regarding his speculation in stock? A. I could not give you the conversation.

Q. Where did it take place? A. It may be in my station-house; may be in the Gilsey House.

Q. How was it led up to? A. I could not tell you.

Q. It was a very important subject to you, as it afterward turned out? A. I didn't think so at the time.

Q. It afterward turned out to be a very valuable and important subject to you? A. Yes, sir.

Q. And you can not tell us what the conversation was? A. No.

Q. Can you tell us the substance? A. That was about the substance of it.

Q. Give us the substance? A. That he was dealing in stocks and would take chances for me as a friend, and the result, if it was in my favor, I should hear from him.

Q. He was dealing in stocks? A. Yes, sir.

Q. And he would take chances for you as his friend, and the result he would give to you? A. Yes.

Q. Did he not ask for any margin? A. No, sir.

Q. He was not a stock broker at the time? A. Yes.

Q. Did he carry on the stock-broking business along with the whisky business? A. He had an office.

Q. Did he carry on the stock-broking business with the whisky business? A. I could not tell you.

Q. Did you ever invest a dollar with him for the purchase of stock? A. No, sir.

Q. Did you ever direct him on margin, or otherwise on commission, to purchase stocks for you? A. No, sir; that is a business I knew nothing about.

Q. And how long a time intervened from that conversation until he gave you the money? A. That I could not tell you.

Q. A year? A. It may have been; it may have been six months, or it may have been three.

Q. You can not tell anything about it? A. No, sir.

Q. Where did he give you the money? A. It may have been in the Gilsey House; I used to meet him there every night.

Q. Can't you get it down more definitely? A. No, sir.

Q. Used to meet him there every night? A. Pretty much; he lived there.

Q. Where did you live? A. I lived in Tenth street.

Q. Was it by arrangement you met him there every night? A. Not that I know of.

Q. How did it come to pass you met him every night? A. I used to go in there and find him sitting there.

Q. Of course, accidentally? A. There was no arrangement made to meet.

Q. Well, was that during the time when you used to meet at the Gilsey House for other purposes than to see Mr. Freece?

A. I used to drop in there pretty much every night.

Q. To see the commissioner of police? A. I think Commissioner Wheeler lived there.

Q. Where did Hugh Gardner live? A. Hugh Gardner lived in Twenty-fourth street, west of Sixth avenue.

Q. Was that about the time you took Hugh Gardner around the sights of the Tenderloin? A. I never took him around.

Q. Never walked with Hugh Gardner through the Tenderloin? A. No, sir.

Q. Never visited any of the notorious places in the Tenderloin with Hugh Gardner? A. No, sir.

Q. You swear to that? A. Yes, sir.

Q. And your memory is as clear upon that as it fails with regard to the time when Freece gave you the money? A. My memory is clear on that, because —

Q. It is not clear; I am not asking for "because;" it is not clear as to why Freece gave you \$5,000 or \$6,000? A. No, sir.

Q. How much did he give you? A. He may have given me \$200 or \$300 or \$500 at a time.

Q. Not all at once? A. No, sir.

Q. What periods of time? A. A week or 10 days.

Q. Gave it to you in cash, I suppose? A. Yes, sir.

Q. He, as stock broker, doing business, and president or chief man in the Hollywood whisky, did not think it necessary to give you checks? A. I don't know what he thought.

Q. He did not keep an account with you? A. No, sir.

Q. What was the highest sum he ever gave you? A. I could not say; possibly \$500.

Q. Did you ever ask him where the money came from? A. Yes; he told me.

Q. Didn't you know very well that that was simply the cover of paying you corruption money? A. No, sir.

Q. That was simply a pretense? A. No, sir.

Q. Agreed upon between himself and yourself? A. No, sir.

Q. It was simply a matter of fact that you, as a very sensible man, knew that you could not get money out of stocks where you had not invested \$1? A. That was his lookout.

Q. I am asking you, didn't you think it, as a police officer? A. No, sir.

Q. Very strange and curious? A. No, sir.

Q. That you could get money from a man on an alleged stock speculation in which you never invested a dollar? A. That is what he told me it was.

Q. I am asking for your impression upon it? A. My impression was he was very friendly.

Q. I am not asking you what your impression was of his relation to you; I am asking for your impression in relation to the transaction; I am asking for your impression? A. My impression was that it was a good thing.

Q. That it was a good thing? A. Yes.

Q. What had you done for this man that caused him to be so friendly to you as to give you money? A. Nothing particular.

Q. Did you regard it as a present from him? A. Well, no; not exactly.

Q. What was it in consideration for? A. I have not done anything for him.

Q. What was it in consideration of, if anything? A. I don't know, unless it was friendship.

Q. You did not inquire? A. No, sir.

Q. You, a police captain, of the rank of captain, at the time, I presume? A. Yes, sir.

Q. You, a police officer, of the rank of captain, of the most notorious precinct in this city at that time, accepted money in sums of \$400 and \$500 from a man who owed you nothing, and in whose hands you had not placed \$1 for speculation in it; is that a fact? A. I had not placed any money in his hands for speculation.

Q. He did it for nothing? A. Friendship.

Q. He owed you no money? A. No.

Q. Now, I ask you, inspector, how did you look at that transaction, a police captain accepting from a man that was interested in a business with which your name was linked, as being interested also in whisky business, that you should accept from that man sums of money ranging from \$400 to \$500 at a time in cash; do you think that was a proper transaction for a police captain to engage in? A. My impression, or my recollection is—

Q. I do not ask for your recollection? A. I was going to—

By Chairman Lexow: .

Q. You are asked for an opinion as to whether or not, in your judgment, you thought that a proper and delicate course to pursue? A. I did not think it was an indelicate course to pursue; he offered the money and I took it.

By Mr. Goff: .

Q. Did he tell you what stocks? A. No, sir.

Q. He told you he got it from stock speculations? A. Yes, sir.

Q. You were too old a police officer not to know that was used as a pretense? A. No, sir.

Q. Simply a cover to cover up money from corrupt sources that reached your hand? A. No, sir.

Q. Did you ever hear that result of corrupt transactions being based upon gambling—winnings at gamblings? A. I have heard something about it; yes.

Q. Horse-racing? A. Yes.

Q. And you knew, at the time, that that had been frequently resorted to as a pretense to cover up corrupt transactions? A. No; I did not.

Q. Did you ever hear it before that? A. No, sir.

Q. You were innocent of it then? A. Yes.

Q. You mean to say that at that time you never heard that men accused of taking bribes had tried to cover up their methods by stating that they got their money on the race-tracks, in gambling-rooms, or some other questionable business? A. I may have heard it; but did not pay any attention to it.

Q. But having heard that, and knowing the public position that you occupied as a public officer, as a captain of a police

precinct of this city, you turned around and accepted from this man \$400 or \$500 at a time? A. Yes, sir.

Q. On an alleged speculation in stocks? A. Stock transactions; that is what he told me.

By Chairman Lexow:

Q. Inspector, at that time, was the statement made publicly that you were interested in this Hollywood whisky? A. No, sir; and Mr. Freece was not president of it.

Q. Did it become a matter of public rumor at least that you were interested in the Hollywood whisky? A. No, sir; I think not.

Q. Had you heard up to that time that people generally had accepted it as a fact that you were interested? A. No, sir.

Q. Did not the papers at that time discuss the proposition at all? A. No, sir.

By Mr. Goff:

Q. Do you mean to say that Freece was not in connection with the Hollywood whisky in 1878 or 1879? A. Eighteen hundred and seventy-eight, no; I don't think he was.

Q. You say he was not president of it; what was he? A. I don't think he had anything to do with it.

Q. How do you know? A. What he told me.

Q. What did he tell you? A. He told me his brother owned it.

Q. When did he tell you that? A. Along about that time, I think, in talking about it.

Q. How did you come to talk of it? A. I don't know.

Q. Told you his brother owned the Hollywood whisky? A. Yes, sir.

Q. Did he tell you what connection he occupied in connection with the Hollywood whisky? A. No, sir.

Q. At that time Mr. Freece had been foreman of our grand jury, and he never was foreman of our grand jury until he occupied the position of president, or a director of the Hollywood Whisky Company? A. I know he was foreman; but I could not tell you what year.

Q. I tell you it was that time. A. Eighteen hundred and seventy-eight?

Q. Yes, and 1879? A. It may have been.

Q. Now, this extraordinary transaction that you had with Mr. Freece; did it foot up \$6,000? A. Between \$5,000 and \$6,000; I think it was.

Q. Did you keep an account? A. No, sir.

Q. What did you do with the money? A. I used it.

Q. All in bills? A. Yes, sir.

Q. You have had all this summer since this committee was in session to make up this story? A. I did not make up any story; I came here to answer your questions.

Q. Was that money that Freece gave you part of the money contributed by the notorious dive-keepers of the Tenderloin? A. There was none contributed to me.

Q. Was there any contributed to anybody else? A. Not that I know of.

Q. Did you ever hear it? A. I heard of such things; I have heard of it since those sessions commenced.

Q. Did you ever hear it while you were captain of the Tenderloin? A. No, sir.

Q. Did you ever inquire how your wardman, Dunlap, was able to have three houses at the time of his death? A. He did not have three, Mr. Goff.

Q. How many had he? A. Two.

Q. Did you ever find out how he acquired two? A. No, sir.

Q. While he was your wardman? A. He was part of the time my wardman.

Q. When did you last see Mattie Dunlap? A. Not within five or six years.

Q. When did you last see Dunlap's brother? A. I never knew she had one.

Q. This is the first time you ever heard Dunlap had a brother? A. Yes.

Q. The first time you ever heard Dunlap had a brother that kept a liquor store in the precinct west of that—I think, the Twentieth? A. I never knew she had a brother.

Q. On Tenth avenue? A. I never knew he had a brother.

Q. When you were talking with Mattie Dunlap did she not upbraid you for having taken an envelope, or cause an envelope to be taken from the dying man's room? A. No, sir.

Q. Did you ever cause it to be taken? A. No, sir.

Q. Did you ever send an officer? A. No, sir.

Q. To bring down an envelope from his room when he was dying? A. No, sir.

Q. That was when he lived next door to the Haymarket? A. Lived where?

Q. Next door to the Haymarket? A. He never lived there.

Q. Lived in the neighborhood? A. No, sir.

Q. Where did he die? A. He died, I think, in Forty-eighth street.

Q. Who owned the house in which he died? A. I believe he did, or owned part of it.

Q. Or send up while he was sick for an envelope? A. No, sir; I think not.

Q. Did not his daughter come down and charge you with having taken an envelope containing valuable things? A. No, sir.

Q. Did you ever have any conversation about it? A. Never; I think I have seen the girl; I do not know which one; there is two daughters; I don't know whether it was Mattie or the other one, but once since Dunlap's death; and I would not know them now if I met them.

Q. Did you ever have an account in the Bowery Savings Bank? A. A business account?

Q. Any account? A. Yes, sir.

Q. You could not have a business account in the Bowery Savings Bank — a savings bank; have you one there now? A. I believe I have; yes, sir.

Q. Have you more than one? A. No, sir.

Q. Has anybody else an account there for you? A. No, sir.

Q. What is the amount of your account? A. Less than \$3,000, I think.

Q. Any other savings bank? A. Yes, sir.

Q. What other savings bank? A. The Seaman's.

Q. What is your account there? A. Less than \$1,000.

Q. Any other savings bank? A. Yes, sir.

Q. What other savings bank? A. The Dry Dock.

Q. What is your account there? A. Less than \$2,000.

Q. And the other savings bank? A. I do not recollect any other.

Q. Wouldn't you know if you had any? A. I think I would; yes.

Q. Would you say you had no other account with a savings bank? A. I am not sure.

Q. What is the cause of your doubt? A. My wife might have an account.

Q. How many savings banks has she accounts in? A. I don't know.

Q. Well, the accounts that she has have been derived from your money? A. No, sir.

Q. Why, she had no property of her own when you married her? A. No, sir.

Q. She has been in no business since? A. No, sir.

Q. Anything thing she has acquired she has acquired through you? A. No, sir.

Q. How did she get it? A. Went for it.

Q. To Mr. Freece at the Gilsey House? A. No; no, sir.

Q. Where did she go for it? A. She went to Peterhead, Scotland.

Q. Peterhead, Scotland? A. Yes, sir.

Q. How much did she get for going to Peterhead, Scotland? A. She got \$5,000 that trip, and there is something coming to her still.

Q. How much did the brother get that is in the drygoods store on Broadway? A. I don't know, sir.

Q. He is a salesman there for Dakin & Miller? A. I believe he is.

Q. He has not derived a great deal of money from Peterhead, Scotland? A. Possibly not.

Q. He is working for a very small salary there? A. I don't know what he is working for.

Q. He has not got many accounts in the savings banks in New York, derived from Peterhead, Scotland? A. I don't know anything about his accounts.

Q. Where did your wife get the immense diamond cross she has worn? A. She don't wear a diamond cross.

Q. Will you swear she never wore a diamond cross? A. No, sir; I would not.

Q. Don't you know if she wore a diamond cross? A. I do not.

Q. Will you swear you never saw your wife while you were captain of the Tenderloin wearing a diamond cross? A. I would not swear it; she may have worn it.

Q. And don't you know, as a matter of fact, and will you dare deny it, that that diamond cross came from a notorious woman in the Tenderloin? A. I will deny it, and brand it as a lie, whether it comes from you or anybody else.

Q. You would not dare to trace that diamond cross? A. You can trace it; I don't know anything about it; I don't know that she has got one.

Q. You will not swear she hasn't any? A. I will swear she hasn't.

Q. Will you swear she had when you were captain of the Tenderloin? A. I don't know whether she had or not.

Q. Could your wife have worn a large diamond cross while you were captain of the Tenderloin, and you know nothing of it? A. I won't swear either way.

Q. I ask you, Inspector Williams, to trace that diamond cross with me, will you, to its source? A. I never knew that she had one.

Q. But you won't swear she did not wear one? A. She may have worn one; yes.

Q. You think it possible that a wife could wear so large and conspicuous an article of jewelry as a diamond cross on many occasions, without her husband knowing it, and seeing it? A. She could have borrowed it.

Q. I am not asking how she got it; I am asking you if you think a wife could wear such a large and conspicuous an article of jewelry as a diamond cross and her husband not know it? A. Yes.

Q. She could? A. Yes.

Q. Will you swear she did, and you not know it? A. Yes; she might.

Q. Did the diamond cross come from the same place that your large diamond ring came from that you used to wear? A. I have no large diamond ring.

Q. I am not asking what you have, but what you had? A. That is the only one I ever wore.

Q. All the police department of the city of New York have thrown off their articles of jewelry since the member of the detective force was found with a watch in his pocket in this court-room? A. I know nothing of it, sir.

Q. Did you ever wear a diamond ring? A. Yes.

Q. How long ago? A. I have been wearing it 15 years.

Q. Did you ever wear a large diamond ring while you were captain of the Tenderloin, and which you have not worn since this committee has been in session? A. No, sir.

Q. Did you ever wear a diamond ring when you were captain of the Tenderloin? A. Yes; I wore that one (indicating ring on his finger); I bought it; that is the only one I ever wore.

Q. Did you ever wear any other ring than the one on your finger? A. Yes; I wore a monogram ring.

Q. Where is that monogram? A. It is home, I presume.

Q. What became of the ring that you took off Mrs. Platol's finger? A. I never took one off her fingers.

Q. How do you know? A. Because I don't know the woman.

Q. You did not know the keeper of the house, 102 and 104 West Twenty-seventh street? A. No, sir.

Q. I suppose you will say you don't know the French Madam? A. Yes, sir.

Q. You knew her quite a long time? A. No, sir; I never knew the French Madam.

Q. But you said now you knew her? A. No, sir; I did not know her.

Q. You did not know the French Madam? A. No, sir.

Q. Never heard of her? A. Yes, sir.

Q. You mean to say, Inspector Williams, that you never knew Madam Parot? A. Yes, sir; I knew her.

Q. That was the French Madam? A. No, sir.

Q. How many French Madams were there? A. Three.

Q. It is hard for me to locate each French Madam to ask you about; she was known as the French Madam? A. Yes; she was.

Q. Why did you tell me you did not know her? A. Because she was Dutch.

Q. Then you must have known her pretty intimately to find out her origin? A. No, sir; I did not find out her origin.

Q. How did you know she was Dutch? A. I heard her talk in German.

Q. Did you understand it? A. I can distinguish it from French.

Q. May she not have been French and talked German? A. She may have known French.

Q. She may have known German? A. Yes; and may have known French, too.

Q. How do you know she was not French and not German? A. I heard people say she was German.

Q. She was notoriously known as the French Madam, Inspector Williams? A. No; not that I know of.

Q. You know she was a notorious proprietress? A. Her woman, Burrett, was the first French Madam.

Q. What French woman did you get the two New Jersey cows from? A. I never got one from them; I never had two New Jersey cows; those I have now I bought one at \$40 and raised a calf.

Q. Do you mean to say that you did not get two cows from Jersey as a present? A. Yes; positively; and any man that says I did lies.

Q. Or anyone for you? A. No, sir.

Q. Or any member of your family? A. No, sir.

Q. Or any connection of yours? A. Or any connection of mine.

Q. And two such cows did not go to your place at Cos Cob? A. No, sir; they did not; I never owned a Jersey cow.

Q. Do you remember when Belle Taylor, otherwise known as Madam Blood, bought out the French Madam? A. No, sir.

Q. You know the woman I have reference to? A. Yes.

Q. Belle Taylor? A. Yes.

Q. You know of her, and know of her raising cows, don't you? A. That I see in the papers.

Q. Didn't you say a while ago she had broken her leg and she was all safe? A. Not until I heard it here.

Q. Did you say that to anyone, that you are safe, as she had broken her leg? A. No, sir.

Q. You knew about her purchasing that property? A. No, sir.

Q. And purchasing it for the purpose of running a house of ill-fame? A. Not to my knowledge.

Q. You knew there was \$30,000 paid for that property? A. I did not know \$30,000 or 30,000 cents.

Q. Do you remember when the French Madam put electric lights in front of her house? A. Yes, sir.

Q. You remember complaints went from all the other Madams in the neighborhood? A. No, sir.

Q. You remember they put up board-fences on their stoops so visitors could go in without being detected? A. No, sir.

Q. You remember Dunlap was sent for, and he took up a contribution from all the madams of \$500 apiece to compel the French Madam to take the electric-lights away? A. No, sir.

Q. You have made up your mind to deny everything? A. No, sir.

Q. You will even deny you took the pigeons from Delmonico's? A. What?

Q. Don't you understand me? A. Pigeons from Delmonico's?

Q. That is what I said? A. No; I never had any pigeons from Delmonico's.

Q. Will you deny to any one — A. Why, you are romancing.

Q. Inspector, you deny it? A. Certainly, I do.

Q. Do you know what a pigeon is? A. Yes.

Q. What is it? A. It is a bird.

Q. The peculiar bird that flew in the neighborhood from Charley Delmonico's to the station-house is the pigeon I mean?

A. No, sir.

Q. Did you ever hear it called a pigeon? A. No, sir.

Q. Is this the first time you heard of it? A. Yes, sir.

Q. That, whenever Delmonicos had fairs and entertainments, and wanted an officer, it was the custom of Charley Delmonico to send to the station-house an envelope directed to the captain or sergeant in charge, with the request for an officer that night and a \$5-bill in it? A. Never heard of it.

Q. Never heard of it? A. No, sir.

Q. Did you ever hear of the sergeants at the station-house cursing you for being a mean fellow, and that you were gobbling money enough outside, without holding that \$5-bill? A. No, sir.

Q. Did you ever wait on the steps of the station-house, and wait for the Delmonico's messenger? A. No, sir.

Q. And put the bill in your pocket? A. No, sir.

Q. Did you ever take the Telegram the night before and look to see whether they would hold a meeting? A. I read the Telegram?

Q. Did you ever read the society events in the Telegram in order that you could lie in wait for the messenger from Delmonico's with the pigeon? A. No, sir.

Q. Was not that perquisite of the sergeant at the desk? A. No, sir; I never heard of it.

Q. You never heard of corruption money paid in that precinct? A. No, sir.

Q. And you never heard of a disorderly-house in that precinct? A. Yes.

Q. Or a dive? A. I don't know what you mean by a dive.

Q. You don't know what I mean? A. No, sir.

Q. Is that a new term to you? A. Yes, sir.

Q. Never heard of it before? A. I have heard of it; yes, sir.

Q. In this investigation, for the first time? A. Yes; I have heard of it before the investigation.

Q. What did you understand it to mean before this investigation? A. I don't know what it means.

Q. Do you know anything about dives A. No, sir.

Q. And you, an inspector of police here, under the solemnity of your oath, very many years on the New York police department, say here under oath, before this Senate committee, and in the hearing of these people, state that you do not know what a dive is? A. That is correct; I do not know what a dive is as applied.

Q. That is all; you have answered my question; by the way, while I think of it, you remember that presentation of an album that was made to you at Lyric Hall? A. Yes, sir.

Q. What was it? A. An album.

Q. Costing how much? A. I think \$2,500.

Q. Who presented it to you? A. Jerome Buck.

Q. Did Jerome Buck buy it? A. No, sir.

Q. Who bought it? A. I don't know.

Q. This presentation was made at the public meeting at Lyric Hall? A. Yes.

Q. What was it for — in recognition of your virtues? A. It was, I presume so, a leaning that way; it was signed, Mr. Goff, by all the Supreme and Superior Court judges of this county; by all the criminal judges of this county and by the principal business men in the Twenty-ninth precinct; it was after complaints were dismissed against me.

Q. What complaints was dismissed against you? A. It was one of those complaints, I think, that the Business Men's Association complained in Twenty-seventh street.

Q. Was that complaint dismissed? A. Yes, sir.

Q. How was it dismissed? A. Stand off of two and two politically.

Q. Then it was on political grounds? A. Well, I don't know; one of them changed his mind two or three days afterward and voted for my promotion.

Q. Even though he said he would not vote for your promotion until you explained how you got your great wealth; do you remember he stated publicly in the Evening Post that he never would vote for you until you explained how you obtained your great wealth? A. It may have been put in the Evening Post.

Q. Did you see another statement made by the same Commissioner, Voorhis, that the reason he voted for your promotion was to get you removed from the infamous Tenderloin district? A. I don't know that he made that.

Q. Did you ever know that such a statement as that was published? A. No, sir.

Q. Did you ever hear such a statement as that attributed to him? A. No, sir.

Q. Did you ever see it published in the newspapers? A. Not as I recollect.

Q. Will you swear you did not see it published? A. I won't swear anything about the newspapers.

Q. Will you swear you did not see — here the other day you swore you got your impressions from them? A. I want to read that impression.

Q. And, now, you say you won't say anything at all about newspapers? A. No, sir.

Q. You simply swear as a matter of convenience what suits you and what does not? A. No, sir; I do not.

Q. Will you swear you did not see in the public newspapers in this city a statement from Commissioner Voorhis that the reason he voted for you to be promoted to the rank of inspector was that he wanted to have you removed from the infamous Tenderloin? A. I never heard of it, and never saw it.

Q. It was never brought to your attention? A. No, sir.

Q. You say that was a stand-off; two commissioners voted for your dismissal? A. Yes, sir; one of them would never vote any other way; if I had wings he would not.

Q. And one wrote an opinion? A. Yes.

Q. Against you? A. Yes; that is the same one.

By Chairman Lexow:

Q. That was Commissioner McLean? A. No, sir; Fitz-John Porter; when he was appointed commissioner, I said he ought to have been hung 25 years before that, and he did not like it.

By Mr. Goff:

Q. How many stand-offs were there in the board altogether? A. I could not tell you; you seem to have a better record than I have.

Q. We try to keep an honest record? A. And so have I; I have asked for one.

Q. You knew you could not get it when you asked for it?
A. That I did not know.

Q. And these two commissioners that you have called a "stand-off," Fitz John Porter and Voorhis, voted you guilty?
A. Yes, sir.

Q. On seven of the nine charges? A. That may be.

Q. There were nine charges; one was withdrawn, the other they acquitted you on and on the seven they voted you guilty?
A. I don't know how many there was.

Q. And you are indifferent? A. It was specifications, not charges; there was one charge.

Q. What justice of the Supreme Court signed that presentation? A. I could not tell you without looking it over.

Q. How many judges of the Supreme Court signed that presentation? A. I could not tell you.

Q. How many justices of the criminal court signed that presentation? A. It was signed by Gildersleeve; I think by Recorder Smyth; I could not tell you, Mr. Goff.

Q. Any other judges whose names you can remember? A. Oh, yes; Judge Lawrence and Van Brunt; I could not—I will bring the thing down for you if you want to see it.

Q. You have given us as nearly as you can recollect? A. Yes, sir.

Q. Do you know that any justice of any court subscribed one dollar to get up that album for you? A. That I don't know.

Q. Don't you know that that album was subscribed by the gamblers and disorderly-house keepers of the precinct? A. No, sir; I do not.

Q. Don't you know Newburger, the jeweler, was the man that got the subscriptions? A. No, sir.

Q. He was the man got it up, was he not? A. No, sir.

Q. Who got it up? A. A man of the name of Brady.

Q. Who was Brady? A. He made it his business getting up such things.

Q. Writing and penmanship? A. Yes, sir.

Q. He did the work, but he did not get it up? A. I don't know who got it up.

Q. In relation to the charges against you at that time, I read an extract from the letter of the mayor of this city, Mayor Hewitt, to the board of police commissioners: "As you are aware I have transmitted to you many complaints in regard to places of

evil resort in the Nineteenth precinct. As a rule the reports returned to me have been unsatisfactory, and yet it is notorious that the law is openly violated in that precinct, to such an extent as to make a common scandal. I have refrained heretofore from any positive action in regard to the complaints submitted to me, because I felt sure that the time would come when the personal observation of the commissioners of police and the facts known to them would lead to a radical reform of the places complained of in the precinct. This opportunity is now offered, and I urge upon the commissioners that this investigation be as thorough and the purification of the precinct made as substantial as it will allow;" when Mayor Hewitt wrote that letter, and when he said that the law was openly violated in that precinct to such an extent as to make a common scandal, did he write what was true or what was false? A. He may have wrote what he thought was true.

Q. Did he? A. There was disorderly-houses.

Q. Did he write what was true or false? A. Part of it is true.

Q. When he said, when he used those words it "is notorious that the law is openly violated in your precinct to such an extent as to make a common scandal," was that true or false at the time it was written? A. It is not true, I think.

Q. Never mind what you think; I ask you for the truth; was it true or was it false?? A. I do not think it was true.

Q. Was it true or false? A. It was not true.

Q. And Mayor Hewitt is another of that very many men that have lied against you? A. I don't know as he lied against me.

Q. He wrote an untruth when he said that? A. I never seen or heard of that.

Q. He wrote an untruth when he said that the law was violated to the extent of making a common scandal? A. Yes.

Q. Did the grand jury of this county, when they said you were unfit for your position and a disgrace to the police service, did they present a truth or a falsehood? A. They made a presentment.

Q. Did they present a truth or falsehood? A. You will have to ask them.

Q. I ask you, sir; did they present a truth or a falsehood? A. So far as I am concerned it is not true.

Q. They presented an untruth? A. In that presentment it was an untruth; yes.

Q. In that presentment — that was away back as far as 1883?
A. I don't know when it was.

Q. You know the presentment I have reference to? A. There was a presentment; I don't know when.

Q. You know when you were called by name (no answer.)

Q. "While we hesitate to prefer a criminal charge by way of indictments against these captains, we earnestly recommend and urge Captain Williams and Captain Allaire be removed from their positions, and from the force, on account of their manifest unfitness." Do you remember that presentment, on May 3, 1883? A. There was a presentment; I don't recollect the wording of it.

Q. That is the wording of it; again they say in the same presentment: "Captain Williams permits these places to remain undisturbed and open within almost a stone's throw of his precinct station-house, leaving it to the public-spirited citizens to obtain that evidence which he ought to obtain through his own detectives." Did they present what was true or untrue in that presentment? A. I didn't understand that.

Q. I will read it again, I will also commence further back. "From the statement furnished to the police department by Captain Williams on the 29th of January, 1883, a copy of which is hereto annexed, it appears that he has for some months been aware that these premises above referred to, as well as many other places, were reputed to be regular gambling dens; and that he was also aware of the names of the owners of the establishments, their landlords, and the nature of the gaming reputed to be carried on at the several places, and yet either from lamentable incapacity or neglect of duty, Captain Williams permits these places to remain undisturbed and open within almost a stone's throw of his precinct station-house, leaving it to the public-spirited citizens to obtain that evidence which he ought to obtain through his own detectives." When the grand jury of this county made that presentment, did they present what was true or what was false? A. It was not true.

Q. Then it was false? A. Yes.

Q. And this presentment of the grand jury was by the unanimous vote of that grand jury, and was presented in court under their oaths as grand jurors; and you say they presented what was false? A. It was untrue.

Q. Then it was false? A. Yes.

Q. And this presentment of the grand jury was by the unanimous vote of that grand jury, and was presented in court under their oaths as grand jurors, and you say they presented what was false? A. It was untrue.

Q. Then it was false? A. Yes.

Q. Then you did not make a report to police headquarters of the notorious gambling dens referred to? A. I may have made a report; yes, sir.

Q. Then the grand jury were not mistaken there? A. That part may have been true.

Q. That was true? A. Yes.

Q. That you permitted them to open; was that true or false? A. It was false.

Q. Why did you report the cases to the department? A. I was required under the rules.

Q. Why did you not close them? A. I closed all I could.

Q. Why did you not close these ones that you reported? A. Because I hadn't got to them yet.

Q. Why did you report them? A. Because I was required under the rules.

Q. You knew of their existence? A. I supposed they were there.

Q. If you only supposed, you wouldn't have reported them? A. The officers reported them.

Q. You wouldn't have reported them, as captain, if you did not know they were there? A. I took the officers' report.

Q. I understand about that; when you make a report to your department, Inspector Williams, you assume the full responsibility of that report, do you not—you assume full responsibility for that report? A. The report the officers give to me I take for true.

Q. Do you assume full responsibility for the report? A. Yes, sir.

Q. And when you made this report to the department, you assumed full responsibility for it? A. Yes, sir.

Q. And you made that report to Superintendent Walling on the 9th of January, 1883? A. I don't know when I made it.

Q. This is when you made it? A. They were made every three months.

Q. "Report of alleged gambling-houses, red and black games and policy in this precinct. Respectfully, Captain Alexander S. Williams." That is the report you made, and the

report which the grand jury attached to their presentment, and you give here the locations, the names, the owners, the agents, and their residences in this report? A. Yes, sir.

Q. Of these alleged gambling-houses, you put it, and alleged red and black and policy — what is red and black? A. I really couldn't tell you, Mr. Goff; I never seen the game played.

Q. Why did you use the terms? A. I suppose it was given to me in the report.

Q. You acted simply on the information to you without knowing? A. Yes.

Q. You are as ignorant of that as you are of the meaning of the word "dive"? A. Yes.

Q. When you used the term "gambling-house," did you know what that meant? A. Yes, sir.

Q. When you used the term "policy," did you know what that meant? A. Yes.

Q. Did you proceed against anyone whose name is here? A. I don't know.

Q. Well, I will take, for instance, the name of John Daly, 39 West Twenty-ninth street; did you close John Daly's gambling-house? A. I think I raided it once or twice.

Q. Did you close it? A. No, sir.

Q. I will take the name of Mike Murray, Big Mike, 13 West Twenty-eighth street; did you close Mike Murray's place? A. Yes, sir.

Q. Closed it altogether? A. Yes, sir.

Q. Kept it closed? A. Well, didn't open afterward.

Q. It was running when you made the report? A. Yes, sir; it must have been.

Q. When did you close it? A. I couldn't give you the date.

Q. Did you arrest anyone? A. Yes, sir.

Q. Was anyone convicted? A. No, sir.

Q. Well, Mike Murray had other places besides that one; did you close the other places? A. That is the only one I had.

Q. There is another here, 516 Sixth avenue, Michael Murray? A. That I don't recollect.

Q. That is your report here? A. Well, I don't recollect it.

Q. Did you close that? A. I don't recollect of its running there.

Q. Why did you report it if you don't recollect it? A. I suppose it was reported to me.

Q. And here was Mattie Corbett; did you close Mattie Cor-

bett's place, 60 West Thirtieth street? A. I don't recollect the number.

Q. You report it as a matter of fact; John Daly's place has never been closed? A. I have been away from there eight years, Mr. Goff.

Q. But, during your captaincy? A. Oh, yes; it was.

Q. That is not in your precinct now; in your inspection district? A. No, sir.

Q. You have had but one inspection district since you left the Tenderloin? A. Yes, sir; about the closing of Mike Murray's place, Mr. Goff, the evidence was procured by a reporter of the New York World; the evidence against the place was procured by a reporter of the New York World.

Q. And the reporter of the New York World could secure the evidence that you, the great captain of the Tenderloin, and all your policemen could not procure? A. He did at that time get the evidence.

Q. Which you could not get? A. No.

Q. And didn't want? A. I don't know about that.

Q. You didn't try? A. I have tried.

Q. But you could not successfully? A. No.

Q. Why wouldn't it be a good measure now for the police department of the city of New York to employ the reporters of the New York newspapers to obtain evidence for them? A. There are some of them very bright men.

Q. Wouldn't it be a good scheme, inspector? A. First rate.

Q. In fact the police department of the city of New York requires considerable assistance? A. Well, no; not if there is anything to do.

Q. When there is something to do requiring skill and honesty, they have to look to the reporters of the newspaper press to procure it for them? A. Not always.

Q. In this case? A. In this case it was obtained by the World; I went to the World; that is, asked the editor if he would give me the use of that reporter; he said, "Yes;" we went to Jefferson Market; I hired a cab to go to Jefferson Market; the reporter was lame; and got a warrant and raided the house that night.

Q. What did you find? A. I found, I don't know how many people, and some gambling implements.

Q. What did you find? A. I don't know.

Q. Who did you arrest? A. Mike Murray and a number of other people.

Q. What became of Mike Murray when he was arrested? A. That I don't know; he was held to bail.

Q. You arrested Mike Murray that night, did you? A. Yes, sir.

Q. What became of the case? A. He was held to bail.

Q. Did you make a complaint against him? A. No, sir; the reporter did.

Q. But you were the police officer in the case? I was the officer in the case; yes.

Q. And the reporter made a complaint against him? A. Yes, sir.

Q. And he was held to bail? A. Yes, sir.

Q. By what judge? A. That I couldn't tell you.

Q. In Jefferson Market? A. Yes, sir.

Q. In how much money? A. I think \$500 or \$1,000.

Q. And that is the last of the case? A. No, sir.

Q. What became of it? A. It went to the grand jury.

Q. What became of it there? A. I don't know.

Q. You do not know anything more about it? A. Except what the complainant told me.

Q. And Mike Murray's gambling-place like the brook rolled on forever? A. No, sir.

Q. It continued? A. No, sir.

Q. Do you mean to say it did not open after that? A. No, sir.

Q. Moved to another place? A. No, sir.

Q. What became of the gambling implements? A. Sent to the property clerk, I think.

Q. That was not one of the places you tipped off? A. No, sir.

Q. Did Comstock ever complain to you about tipping off places? A. No, sir.

Q. Did he charge that the warrants he had obtained against gambling-houses in that precinct had been tipped off? A. No, sir.

Q. Do you mean to say he did not charge that? A. He may have.

Q. Do you mean to say he did not make it in your presence at Jefferson Market? A. Yes, sir.

Q. Did you ever hear of it? A. I heard of a case in Thirty-second street.

Q. That was tipped off? A. That was said he tipped off.

Q. And that he could not get the arrest as his warrant called for? A. That I don't know; but I would say about this reporter, sir —

Q. I think we have had enough? A. All right.

Q. We have the fact established that a reporter of the newspaper press of New York was able to get what you and your detectives could not get? A. He would get in any place, that fellow would.

Mr. Goff.—Is Mr. Rosenfeld here?

Mr. Rosenfeld.—Yes, sir.

Q. Did you ever see that man (pointing to Rosenfeld)? A. I don't know him.

Q. Did you ever see him? A. Not that I know of.

Q. Did you ever see him at your office at headquarters? A. I can not place him.

Q. You watched him when he came into this court-room? A. Me?

Q. Yes. A. No.

Q. Do you mean to say you never saw him before? A. I can not say that I did; I didn't do any watching to-day.

Q. Any more than you did in the Tenderloin when the newspaper reporter got into a gambling hell? A. I suppose I done a little more up there.

Q. You remember that man, by the way, branching off into another line, inspector; this young man was a decent citizen of this city; he visited your office at police headquarters in reference to a complaint he had to make against one of your officers, one of your subordinates? A. He may have.

Q. Do you remember asking him how much money he was prepared to give to settle the case? A. No, sir.

Q. Did you say anything to him about it? A. No, sir.

Q. Will you swear you did not? A. Yes, sir.

Q. If he say so he will lie? A. Yes; positively.

Q. Do you remember saying to him, when he said that he had no money and would give no money, that he has a right as a citizen, telling him to get out of there, the "damned Sheeny?" A. No, sir.

Q. Will you swear you did not use such words to him? A. Yes, sir.

Q. Will you swear you did not say to him that you were sick and tired, or words to that effect of hearing from such people; the people who killed Christ? A. Never used such a word.

Q. Will you swear if he swears so he will lie? A. Yes, sir.

Q. Did you know while you were in the Tenderloin the house kept by Laura Howard, 104 West Thirty-second street? A. Yes.

Q. That was a house of prostitution? A. Yes, sir.

Q. Do you know the house kept by Julia Prescott? A. I arrested the owner of that house.

Q. We will get to that; did you know the house of Julia Prescott; 103 West Twenty-fifth street? A. No, sir.

Q. Ever hear of it? A. No, sir.

Q. You reported it? A. I may have; I don't recollect it.

Q. You reported it; I have your report, you reported it as a house of prostitution? A. Yes.

Q. Do you remember reporting the house of Annie Cuzzins, 29 East Twenty-seventh street? A. No, sir.

Q. You reported it, inspector, to Superintendent Murray? A. Very likely; if it was there I did.

Q. Do you remember reporting the house of Mary Russell, 23 East Twenty-seventh street? A. If it is on that report it is true.

Q. This is your report? A. Correct.

Q. Do you remember reporting the house of Jennie Schoen, 54 West Twenty-eighth street? A. I think there was a house there for a while.

Q. Do you remember the house of Bessie Williams, 118 West Twenty-ninth street? A. No, sir.

Q. It was there and in your report? A. That is correct then.

Q. Do you remember the house of Maria Brown, 109 West Twenty-ninth street? A. If it is on that report.

Q. You reported it to Superintendent Murray? A. Yes.

Q. Do you remember the house of Lizzie Eimer, 132 West Twenty-ninth street? A. I don't remember it.

Q. It is on your report and so on, a number of houses; without reading the names, I will read the numbers in addition to those I have already read: 27 East Thirtieth street, Rose Elliot; 29 East Thirtieth street, Emily Parker? A. Yes; I will tell you about that house.

Q. One hundred and sixteen West Thirty-first street; 113 and 115 West Thirty-second street, two houses; 121 West Thirty-second street, 123 West Thirty-second street, 135 West Thirty-second street, 136 West Thirty-second street, 74 West Thirty-sixth street, 106 West Thirty-first street, 108 West Thirty-first street, 109 and 110 West Thirty-first street, 111 West Thirty-first

street, 114 West Thirty-first street, 117 West Thirty-first street, 118 West Thirty-first street, 120 West Thirty-first street, 122 West Thirty-first street, 124 West Thirty-first street, 126 West Thirty-first street, 109 West Thirty-second street, 110 West Thirty-second street, 111 West Thirty-second street, 112 West Thirty-second street, 114 West Thirty-second street, 117 West Thirty-second street; in addition to those there were running at the same time Nos. 14, 16, 18, 140, 142, 144, 146 West Thirty-fourth street; 140, 144, 154, 156 West Thirty-second street; 113, 115 West Thirty-first street; now inspector, after making the report, which I will not offend your intelligence by asking you if it is a complete report? A. What is that?

Q. I say I will not offend your intelligence by asking the question; but after making this report, as you have made it, of the existence of these houses, well known houses, giving the names of the proprietors and the number of the street, how could you allow these houses to run in that precinct in open violation of the law, and perform your duty as a police captain? A. I was continually raiding them.

Q. How could you continually raid them if, at the time you were called upon for this report, you reported those houses as then in existence? A. I reported them as alleged houses of prostitution; that the report says.

Q. Now, we won't waste time about alleged houses; we have gone over that ground sufficiently.

By Chairman Lexow:

Q. Inspector, a number of witnesses have testified on the stand here that all it needed on the part of the captain of a precinct was to inform these houses that were running, that he wished them to discontinue operations, and that would, in itself, close the houses; that nobody would dare to run unless they had either the implied or the actual permission of the captain of the precinct; how do you account for that, is that true or false? A. It is false.

By Mr. Goff:

Q. On your cross-examination on the trial for failure to suppress these houses, you admitted on your cross-examination that you had only made two raids before February 10, 1886, and June,

1887; and that as to one of those the complaint was made by an inmate whose clothes had been stolen; and as to the other, he could not recollect whether or not the complaint was made by a citizen; here you admit on oath you have made only two raids? A. I don't recollect what I testified to there.

Q. Are you prepared to testify to the contrary here? A. No, sir.]

Q. It appears you admitted that under oath, is that true? A. It may have been true at that time.

Q. Was it true or not? A. It may have been true; if I swore to it that time, why it was true.

Q. You did, that is the record? A. That may be.

Q. And here you say you raided these houses and you reported them by the score, and on your own sworn admission you only raided two; one on the complaint of an inmate, whose clothes had been stolen? A. What year was that?

Q. During the period of 16 months from February 10, 1886, to June, 1887; during that period you only made two raids? A. I was out of the precinct some of that time.

Q. Where? A. Street cleaning department.

Q. When were you in the street cleaning department? A. Eighteen hundred and seventy-nine to 1881.

Q. From 1879 to 1881; but this happens to be from February 10, 1886? A. Oh, 1886.

Q. To June, 1887? A. A year.

Q. Fifteen or sixteen months? A. Yes, sir.

Q. And six or seven years after you had been in the street cleaning department? A. It is not as long as that.

Q. You were there from 1881 to 1887, it is about six years in the rough? A. Yes, sir.

Q. So we are not far apart, five or six years anyway after you had been in the street cleaning department; will you give me, while I look for something more important, the dimensions of your yacht? A. She is 53 feet 2 inches over all, 17 feet 3 inches beam, 7 feet 2 inches hold, a draught of 7 feet 3 inches; she is about 47 ton — want the spars?

Q. You have testified that you do not know what a dive is; do you know what slums are? A. I have heard of people going slumming.

Q. Do you know what slums are? A. No, sir.

Q. You are equally innocent of that? A. Yes, sir.

Q. You have been innocent all your life as a policeman? A. No, sir.

Q. When did you lose knowledge of what slums were? A. Slums?

Q. Yes? A. I don't know what they are.

Q. Don't know what they are? A. No, sir.

Q. On your trial you were asked the question, were there any slums in your precinct, and you answered, "I don't understand what you call slums, I am 21 years old, a policeman, and I don't know what a slum is;" was that true when you answered that? A. Yes, sir.

Q. And equally true to-day? A. Yes, sir.

Q. Did you take command of the police force at the time of the strike on the East river around the Mallory line? A. Yes, sir.

Q. How much money did you get from that strike? A. Not a dollar

Q. Will you swear you did not get \$1,000 from the company? A. You are romancing again, Mr. Goff.

Q. This is the second time you have said so? A. Positively no; not \$1.

Q. Answer my question directly? A. Not \$1; the men got some money.

Q. I would suggest to you right here, inspector, that this is not police headquarters, and that you are not on trial before the police commissioners? A. No, sir.

Q. And your alleged witticisms are out of place? A. It ain't witticism on my part, but the thing looks so foreign.

Q. Then your denial is the best answer you can make, or your admission, one or the other? A. I will say the men got money.

Q. How much? A. Enough to get their meals, one meal a day.

Q. Who got the money? A. The roundsman or sergeant; I don't know which.

Q. Did you handle it? A. No, sir.

Q. Or any person for you? A. No, sir.

Q. Do you know how much money the company gave the policemen? A. They gave nothing, except the price of one meal a day.

Q. Do you know of any money given to the police by the steamship company, except for the purpose you have indicated? A. That was the only purpose it was used for.

Q. A dollar for meals? A. I think it was about 40 cents, 40 or 50 cents.

Q. That is a small matter about meals, we do not want to quarrel about that; what I want to know is — what I wish to say here is that neither this committee nor its counsel desire to lay any stress upon a matter of that kind, where police officers are rendering a public service for the protection of property or life possibly, a mere trifle from a person or company allowing money for their meals while on duty, we do not find any fault with that; am I correct, Senators?

Chairman Lexow.— Certainly, it is too trivial to be considered.

Q. What we want to know is if the sum of \$1,000 did not go into your hands through some other hands? A. Not \$1.

Q. Did you ever hear it stated or rumored that you received any money from the steamship companies? A. No, sir.

Q. Or through anyone representing them? A. No, sir.

Q. Do you remember, inspector, when you bought the safe from Herring's about 10 or 11 years ago? A. Yes.

Q. How much did you pay for it? A. Seventy dollars.

Q. Where did you have it delivered? A. To my house.

Q. What use have you for a safe in your house? A. Keeping papers in.

Q. What papers? A. The deeds of the house.

Q. Does it take the whole safe to keep one deed? A. No; the safe is very small, though.

Q. Does it require a whole safe to keep one deed, no matter how small it is? A. No.

Q. What other purpose did you need it for? A. It might come in handy.

Q. With regard to keeping your monthly collections in the precinct? A. No; I made no monthly collections.

Q. But your wardman made them for you? A. No; he did not.

Q. You have become rich upon police corruption? A. If I was rich, Mr. Goff, I wouldn't be here answering questions.

Q. Do you remember one day down at Jefferson Market when you had made a raid, some gentleman, a man in this room said to you, "Inspector, you can indulge in the luxury of a brownstone-house if this business goes on;" do you remember that remark? A. No, sir.

Q. Do you remember you in reply said that you were not such a fool to invest in brownstone-houses, that you looked

after United States bonds, that this thing would have to break some day and that you would be sure to land on your feet? A. Never used those words to anybody.

Q. If any man would swear to that here, he would lie? A. Yes, sir; or you either.

Q. Inspector, you are losing your temper? A. No; I am not. Chairman Lexow.—Do not interject sentences of that kind.

Q. You are losing your temper? A. No; I am sitting on a cake of ice.

Q. Continue to and do not lose your temper? A. I won't lose my temper.

Chairman Lexow.—A specific denial, inspector, is far better and carries more weight than all the little argumentative matters you may state.

The Witness.—Mr. Chairman, I do not wish to enter into any argument.

Q. And, inspector, while it may have been an innocuous remark, yet you were under oath when you said you were sitting on a cake of ice? A. Well, figuratively speaking.

Q. Have you any moneys in a trust company? A. No, sir.

Q. Have you any certificates of trust? A. No, sir.

Q. Does your wife hold any certificates of trust? A. No, sir.

Q. Have you any moneys in any private banking concern? A. No, sir.

Q. Or in any firm? A. No, sir.

Q. Or in the keeping of any person? A. I forgot, there is the Amsterdam bank, I have got a bank account there.

Q. That is a bank of deposit? A. Yes.

Q. My question was about trust companies, so you are perfectly right in the question, so far as the form of the question is put; have you any other bank accounts? A. No, sir.

Q. Has your wife any bank accounts? A. What I told you about.

Q. Except the savings bank? A. No, sir.

Q. Have you in your possession any bonds belonging to any financial concern in this country? A. No, sir.

Q. Or has any person any bonds for you? A. No, sir.

Q. You say you have no United States bonds? A. I had one \$500 bond and it expired, and I had to go and give it up.

Q. You have none now? A. No, sir.

Q. You never had more than \$500 in United States bonds? A. No, sir.

Q. Or any other class of bonds? A. No, sir.

Q. Any railways bonds or securities? A. No, sir.

Q. You do not hold any securities of any kind whatever, Inspector Williams? A. No, sir; yes, I got \$100 silver mining share; I don't know that it is good for anything.

Q. Did you ever hold any stock in the Consolidated Gas Company? A. No, sir.

Q. Or in any street railways of New York? A. No, sir.

Q. Or in any railway company in any place? A. No, sir.

Q. Or in any mining company except this mining stock you speak of? A. That is about all I know of.

Q. Will you tell this committee how much you are worth, Inspector Williams? A. I couldn't tell you exactly, Mr. Goff.

Q. Approximate it? A. May be \$30,000 or \$40,000.

Q. Including everything? A. Yes, sir.

Q. And does that include what your wife is worth? A. That don't include the house in Tenth street.

Q. That doesn't include the house in Tenth street? A. No, sir.

Q. Have you ever been examined in supplementary proceedings? A. Never.

Q. Have you any interest in your brother's business over at Hunter's Point? A. No, sir.

Q. Did you interest yourself with regard to obtaining contracts from Commissioner Sheehan? A. No, sir.

Q. Did you talk with him about it? A. No, sir.

Q. Commissioner Sheehan said you did? A. He spoke to me something about it, I forget what it was.

Q. You said you never talked with him? A. I haven't any recollection of talking to him; he may have spoken to me.

Q. You said positively? A. I didn't say positively.

Q. He did talk to you about it? A. There was something said about it

Q. There was something said about it at the time—you were endeavoring to become a police commissioner? A. I was endeavoring to become—

Q. You tried? A. No, sir.

Q. Did you talk about it to any person? A. Yes, sir.

Q. You were using your endeavors to get the appointment? A. No, sir.

Q. You expressed your desire for the appointment? A. No, sir.

Q. You asked Sheehan to intercede with the powers that had the appointment? A. I don't know whether I did or not.

Q. You won't swear you didn't? A. I won't.

Q. Would you deny that you did not request Commissioner Sheehan to use his influence to secure your appointment as police commissioner? A. I think Commissioner Sheehan spoke to me about a vacancy.

Q. A vacancy where? A. As police commissioner.

Q. To succeed Mr. McLean? A. Mr. McLean or McClave.

Q. I don't imply anything by this question, but you did what you could to get that appointment? A. No, sir; I didn't want the place.

Q. Why did you allow your name to be used? A. I would rather be inspector of police.

Q. When Commissioner Sheehan said to you that there was a vacancy, did you tell him you didn't want it? A. No; I did not.

Q. Did you allow him to go and do the best he could? A. I don't know what he done in the matter.

Q. Did he tell you that it was his intention to get you appointed if he could? A. No; I don't think he did.

Q. What did he speak about? A. I forget—about the vacancy.

Q. What about the vacancy? A. He would like to have me in the place.

Q. And you naturally said that you would like to get the appointment? A. No; I don't think I did.

Q. What did you say? A. I said I would take it if it was given to me.

Q. And Sheehan said he would like to have you in the place? A. Yes.

Q. And at that time you had spoken of your brother about the contracts? A. No, sir.

Q. As commissioner in Long Island City? A. No, sir.

Q. Did you ever speak to him? A. He spoke to me about it.

Q. Did you ever speak to him in return? A. Yes, sir; that was long before the commissionership business.

Q. I am speaking about your brother now; did you ever talk to Sheehan about those contracts? A. No; not that I recollect.

Q. I have said before that Mr. Sheehan said you did? A. He may have a better memory of it than I have.

Q. By the way, Inspector Williams, do you remember the name of the tailor that made your first police uniform? A. Yes, sir.

Q. Is he living? A. I believe he is.

Q. Where? A. I don't know where he lives, his tailor shop is in Houston street.

Q. What is his name? A. Schlessinger.

Q. Have you seen him lately? A. No — yes, I think I have seen him go past the office.

Q. What is the name of that supervisor-at-large that got you appointed? A. That got me appointed on the police?

Q. Was he a supervisor? A. No; he didn't hold any public position.

Q. What was his name? A. John M. Stern; he was editor of the Temperance Advocate, and head of the temperance movement in New York.

Q. Will you state to this committee, by the way, what detective you had as your wardman there? A. Where?

Q. In the Tenderloin I speak of — what detectives had you? A. When I went there I found Dunlap and Schmittberger there.

Q. And you kept them there? A. I think Dunlap was transferred; I have got the date of his transfer if you will let me look at it.

Q. No; it is not important, the substance of it; do you remember when Mr. Byrnes became superintendent of police and called all the captains and inspectors down to his room and told them that they must close up all the gambling-hells in their different precincts? A. He said they must be all closed; it was not in his room; it was up in the school-room.

Q. It was his room for the time being? A. Yes, sir.

Q. We will raise no question about the location of the room, it was in some room, and you promised that they would be closed? A. I don't know as there was any promise made.

Q. Did you not go down to his room afterward, telling him that it was all right you would see that those in your precinct were closed? A. I did not go down to his room after coming down stairs.

Q. And charges were preferred against you two weeks after for allowing these very places to exist? A. No, sir.

Q. What for? A. There was a place in Fourteenth street; it was a State Democratic club on Thursday, it was vacant on

Friday, hired on Saturday, raided on Monday, and the bank-roll was \$4; that was one of the places.

Q. Inspector Williams, these are the charges; "That said Inspector Alexander S. Williams, did on January 5, 1893, in violation of Rule 414, neglect and failed to enforce the law against gambling-houses located at 297 Bowery; and that on January 9, 1893, he was also negligent and failed to enforce the law against gambling-houses located at 148 East Fourteenth street;" now, that was two weeks after the inspector had cautioned all the subordinates of the department to enforce the law against the closing of gambling-houses? A. Yes, sir; about that.

Q. Now, inspector, is it not a fact that almost every captain in your inspection district had been appointed by McClave? A. No; I think not.

Q. It is a fact that every captain in your inspection district has paid you tribute from his precinct? A. It is a lie.

Q. The same as everybody else has lied about it? A. Anybody who says so, lies.

Q. Anybody else that says to the contrary lies? A. Yes, sir.

Q. Or that swears to the contrary commits perjury? A. Yes, sir.

Q. And this whole stream of humanity that has ever said anything derogatory to you, Inspector Williams, has been guilty of a huge lie? A. There has been a whole lot of them.

Q. Been guilty of a huge lie? A. Yes.

Q. And your own confidential wardman, Schmittberger, has perjured himself? A. Yes, sir; he was not my confidential man.

Q. You entrusted him with your favored work? A. No, sir; I had no favored work.

Q. You knew nothing against him? A. No, sir.

Q. You found him to be an efficient officer? A. He was doing good work.

Q. You retained him in the place in which he was? A. Yes, sir; on my recommendation he received honorable mention twice.

Q. On your recommendation? A. Yes, sir; on my report, at least.

Q. That is your recommendation; and you helped him in his promotion by these reports? A. Yes, sir; they would have a tendency that way. }

Q. And yet this man whom you have helped to receive honorable mention as a police officer, and who held confidential rela-

tions with you as wardman, you yet pronounce him guilty of perjury when he swears that he paid you corruption tribute from his precinct? A. That is right.

Q. If it was true you wouldn't admit it? A. Yes.

Q. Do you mean you would admit receiving tribute money? A. Yes; if it was true.

Q. Did he also lie when he said he put the money in your hand for the appointment of Martens? A. Yes, sir.

Q. Can you tell this committee how it was that Schmittberger, having no cause of enmity against you, but friendship, if any, could construct such a circumstantial lie, as to give us the time, the date, the circumstances, and the conversations touching your getting that \$1,600 from Martens? A. I don't know how he could construct it; or why he did construct it; or why he said it; it is a lie.

Q. And every one, from the grand jury to the mayor of the city of New York, who has ever said anything against you, have committed a lie? A. They have committed an untruth.

Q. And wherever they have sworn they have committed perjury? A. Yes. |

Q. And in fact that the Tenderloin district is the most notorious district in New York; that is also a lie? A. No.

Q. It was the most notorious? A. It had some reputation.

Q. You gave it that name, the Tenderloin? A. No.

Q. How did it originate? A. Through a newspaper reporter, a man that was on the Sun that used to call on me in the Fourth precinct; when I was transferred to the Twenty-ninth he come up there and asked me how I liked the change; I said, well, I have been living on rump steak in the Fourth precinct, I will have some tenderloin now; he picked it up and it has been named that ever since.

Q. You named the term that has become somewhat famous first, so far as you know? A. Without any knowledge that it would become famous.

Q. It doesn't matter what your purpose was, you made use of the terms? A. Yes, sir.

Q. This is the first time a waiting and anxious public have had an opportunity to hear from your lips your understanding and your reasons calling the Fourth precinct the "Rump steak?" A. No; I said I had been living on rump steak.

Q. What did you mean by that? A. Well, I got better living in the Twenty-ninth.

Q. Why? A. Better saloons; better hotels.

Q. You were having your police captain's pay while you were in the Fourth? A. Yes.

Q. Where were you living in the Fourth? A. Somewhat mixed.

Q. Where were you living while you were in the Fourth? A. I slept in the station-house, lived in the station-house and got my meals wherever I was hungry.

Q. You were living in Tenth street when you were captain of the Tenderloin? A. Not always.

Q. You went to live there afterward, your family never lived in the Tenderloin? A. No.

Q. When you say there were better saloons and better hotels in the Tenderloin you could not expect to get your living in the saloons or hotels without paying for it? A. No.

Q. And did you expect to pay out of your captain's salary the high price charged by the hotels in the Tenderloin? A. I might.

Q. Did you? A. They don't charge very high prices there.

Q. Did you? A. I might if I got a meal there, certainly, I would have to pay for it.

Q. Don't you know you had it in your mind at that time to reason why you made use of that apt and descriptive term was that you could not make so much money in the Fourth as you could in the Nineteenth? A. No.

Q. And there was no other thing in your mind than that you could get better living? A. Better living.

By Chairman Lexow:

Q. You do not doubt the accuracy of Captain Schmittberger's statement that he received while he was captain of the Tenderloin district the amounts of money that he confessed to on the stand here, do you, inspector? A. I don't know what he testified to about it.

Q. Have you not read his testimony? A. No, sir.

Q. Not at all? A. I read a synopsis of it.

Q. Did you not see in that testimony a statement made by him that he had been in receipt of large sums of money paid from various sources to his wardman? A. That was in the Twenty-fifth and Twenty-seventh.

Q. And in the Tenderloin district as well? A. I didn't read that, Mr. Lexow.

Q. Did you not see in his statement that he found all the paraphernalia and system for the collection of these moneys ready at hand when he became captain in the various districts—how do you account for this, inspector? A. I don't know.

By Mr. Goff:

Q. You can not account for it? A. No.

By Chairman Lexow:

Q. Do you dispute the accuracy of Captain Schmittberger's statement that it was well known and a well understood custom throughout the department that the captain should collect these moneys, or did collect these moneys in the various precincts—do you doubt the accuracy of that statement? A. Yes, sir.

Q. Do you mean to say that Captain Schmittberger told a falsehood when he made that statement? A. Yes, sir; because I have got the affidavit of Captain Carpenter who Schmittberger succeeded in the Twenty-seventh; and I have heard from Captain Gunner who he succeeded in the Twenty-fifth.

Q. What possible inducement, outside of any motive for attacking you, what possible inducement or motive would there be on Captain Schmittberger's part to testify to facts of that kind if they were not true? A. I don't know sir.

By Mr. Goff:

Q. Why did you get an affidavit from Captain Carpenter? A. Because I, I—

Q. Give us the answer right out, don't hesitate? A. He is living at Nyack and I thought it would be a good thing to have.

Q. When did you get it? A. I got it yesterday.

Q. For what purpose? A. I didn't know but what I might want it.

Q. Why don't you bring him down here? A. I didn't want to bring him down here.

Q. Why did you get his affidavit? A. To use it.

Q. What for? A. To go on trial, possibly.

Q. What for? A. I don't know, possibly in the criminal courts, possibly before the commissioners.

Q. Captain Carpenter was under charges himself when he retired from the police department? A. I think not, Mr. Goff, they wouldn't retire a man under charges.

Q. Were there not charges preferred against him, and was he not tried before the police commissioners and was he not allowed to resign? A. No, sir.

Q. Will you swear that there were not charges preferred against Captain Carpenter? A. There were charges against him when he was in the Fourth.

Q. I am speaking about when he was in the Fourth; and it was from the Fourth precinct he retired? A. No, sir.

Q. What precinct was it? A. Twenty-seventh.

Q. He was not long there? A. I don't know how long he was there.

Q. Very short period of time; but it was growing out of the charges made against him in the Fourth and in relation to these charges that he retired? A. That I couldn't say.

Q. By the way, when you saw fit to get the affidavit of Captain Carpenter, did you see fit to inquire about the cost of the fine house he has been building up at Nyack? A. I didn't see Captain Carpenter.

Q. Did you inquire about the cost of the house he is building up there? A. No; I didn't see him.

Q. I didn't ask you that; I asked you if you inquired? A. No, sir.

Q. By the way, when you said a little while ago, giving your reason why you preferred the tenderloin steak to the rump, am I correct when I take the word steak as s-t-a-k-e? A. No; you are off.

Q. Now, as to the department, Inspector Williams; it has been sworn to here that the department is rotten to the core, is that true? A. No, sir.

Q. That is a lie also? A. Yes, sir.

Q. It has been sworn to here by a cloud of witnesses whose testimony has been corroborated that corruption has run riot in every branch of the department, is that true? A. It is not.

Q. It has been sworn to here by scores of persons that they have paid protection money to the police in the various precincts for years, is that true or untrue? A. It is not true, I don't think.

Q. Some of the most reputable merchants in the city of New York have come up on the stand here and have sworn to the payment of blackmail to the members of the police department of this city for from 12 to 16 years, is that true or untrue? A. I don't know whether it is or not.

Q. Will you swear it is true or untrue? A. I won't swear it was true.

Q. If these men, Inspector Williams, have sworn that they paid this blackmail year after year, and been compelled to pay it, was that true or untrue? A. I would believe them.

Q. You would believe them? A. Yes, sir.

Q. What would you say of the jury that convicted a fellow-captain of yours, Captain Stephenson, the other day of accepting bribes; would say that the jury committed an untruth or the truth? A. No, sir.

Q. The truth? A. I presume they convicted on the evidence.

Q. That, an exceptional case? A. Yes.

Q. Would you say that Sergeant Taylor also perjured himself? A. I don't know anything about it.

Q. Would you say that Sergeant Taylor and all the men of the steamboat squad perjured themselves? A. I wouldn't say; I don't know.

Q. They swore to having collected money in the shape of blackmail from the steamship companies and various dock companies for years, and that they gave it up to their sergeants and captains? A. That I don't know anything about.

Q. Did they swear to what was true or untrue? A. I don't know.

Q. Did you ever hear of such practices existing in the department? A. No, sir.

Q. And most of the corruption that has been sworn to here has arisen in your inspection district, from the east side here? A. No, sir.

Q. Pardon me, I am not finished; could that corruption have existed without your knowledge? A. If it existed, yes.

Q. Could it exist without your knowledge? A. Yes.

Q. And it did exist without your knowledge? A. I assume those steamship —

Q. I am not asking about the steamship companies; my question is in relation to your inspection district? A. No, sir.

Q. You never heard of it? A. No, sir.

Q. And such practices, if they did occur and took place, took place without your knowledge? A. Yes, sir.

Q. Wardman Shalvey went on the stand here the other day and swore to having collected blackmail from disorderly-houses and gambling-houses in his precinct for a number of years; did that exist without your knowledge? A. It did; yes, sir.

Q. Could it have existed without your knowledge? A. Yes, sir.

Q. It has been sworn to here that policy-shops existed in every precinct over which you had command; could they have existed without your knowledge? A. I have arrested three or four.

Q. I am not asking what you have done; could they have existed without your knowledge? A. Not long.

Q. We have had witnesses whose testimony has not been contradicted go on the stand here and swear that in every precinct in which you held command policy-shops were opened this year, is that true or untrue? A. I guess it is true about them opening.

Q. Is it true? A. Yes.

Q. And you, the inspector of the district in which that is true? A. Yes, sir.

Q. It has been sworn here that the disorderly-houses on the east side have flourished and have paid protection and have paid initiation fees of \$500 a time; and all that could have taken place without your knowledge? A. They are not open, they don't flourish on the east side.

Q. I am not asking you to argue the question; I am asking you as to the evidence given here, Inspector Williams; could such practices have existed without your knowledge? A. I don't think they existed.

Q. You swear that these witnesses all lied? A. No.

Q. Did they tell the truth? A. In some cases they may.

Q. Did they tell the truth? A. I don't know.

Q. Then you can not deny it? A. I can not deny it was false or true.

Q. Then you don't know anything about it? A. I do, yes.

Q. Was it true or not? A. I have got a list.

Q. I don't care what you have got; I know how they are doctored? A. It is not doctored, you can get it from the public records.

Q. I don't care about your list; was it true or not true what all these witnesses swore to as to the existence of these corrupt practices? A. It was untrue as far as my knowledge goes.

Q. They have lied also? A. Yes.

Q. You mean to say that in the face of this mountain of evidence against you both as a neglectful man and as a corrupt man that you are yet in a position to say every one has lied about you? A. Yes, sir.

By Chairman Lexow:

Q. Captain Schmittberger has testified here that while he was captain of a number of precincts he found a system there so well organized for the collection of money from these various houses that it was unnecessary for him to enter into any conversation with the wardman at all; they knew their business of collecting the money and to turn it over deducting from the moneys collected 20 per cent.; now, this has been substantially corroborated by a number of witnesses who have themselves confessed to having committed these crimes; is it possible, inspector, that a well organized system of that kind can be run in this city without the knowledge of the heads of the police department? A. Yes, sir.

Q. How is it possible? A. Those are hidden crimes to a great extent.

Q. I understand; but the whole community has known of these facts in a general way for years past; the attention of the inspectors and police commissioners have been called through the public prints to the existence of these evils in the city of New York for years past; now, it has been shown that these evils have existed, and not existed sporadically, but have existed throughout the whole city in every precinct that we have touched; how is it possible that an efficient system, efficient inspectors or efficient police commissioners could close their eyes to the existence of these evils and not detect them? A. They haven't closed their eyes; they are all the time making arrests.

Q. Why did they not arrest the wardmen who were collecting the money? A. Perhaps they didn't know it, I think it is very likely they didn't know it.

By Mr. Goff:

Q. The captains knew it? A. Very likely.

Q. And the captain swore the inspector knew it? A. Schmittberger swore it.

Q. And the inspectors have all been captains, they have graduated? A. Yes, sir; I was made captain four and a half years after I was appointed on the police.

Q. These men have sworn it was the universal custom? A. It has never been so in my time.

Q. As it occurs to me here now, do you remember reporting to the board in that famous letter of yours that Doctor Parkhurst lied when he said there were houses of prostitution in the Eleventh precinct? A. I don't think I ever said Dr. Parkhurst lied.

Q. You said inspector, in your report that it was a lie and a malicious lie; you used the term, "malicious?" A. You get the report, Mr. Goff.

Q. I assure you, Inspector Williams, that you used those words? A. Not in regard to Dr. Parkhurst.

Q. It was in regard to the complaint he made to the board? A. Yes, sir.

Q. And that that complaint was a malicious lie? A. The way it was placed.

Q. And afterward the Court of Special Sessions, by its judgment, denounced five houses which he complained against as disorderly-houses and fined them? A. On evidence procured.

Q. Did the Court of Special Sessions lie? A. No; but it was on evidence.

Q. I am not asking you for the reason? A. It is open to explanation; if you want information.

Q. When Doctor Parkhurst made a report, and complained to the board that there were certain houses flourishing in the Eleventh precinct, and giving the location of these houses, you reported to the board, in response to a direction of the board, it being in your inspection district, that that was a malicious lie? A. I don't think I put it that way.

Q. Will you swear that you did not say that? A. I don't think I used the word malicious.

Q. Will you swear in your report to the board upon that complaint, that you did not use the language, that it is a malicious lie? A. I don't think I did.

Q. You swear you did not? A. No, I won't; I don't think I did.

Q. Will you admit you used the word lie? A. No, I don't think I did.

Q. Will you swear you did not use the word "lie?" A. No, I won't say so.

Q. As matter of fact you did, inspector? A. I think not; you have got the report, I presume.

Q. Never mind what I have got; afterward the Court of Special Sessions, on the complaint of Dr. Parkhurst's own agents, pro-

nounced five of those houses to be disorderly-houses, and fined their madams — do you know that? A. Yes, sir.

Q. If you were then an honest inspector, or a competent inspector, do you think those houses could have existed in defiance of the law, and in spite of the police without your knowledge or without your complicity? A. At the time my attention was called they did not exist.

Q. Could they have existed without your knowledge, or without your complicity? A. Without my complicity; yes.

Q. Without your knowledge or complicity? A. Without my knowledge; yes.

Q. Without your knowledge alone? A. Yes.

Q. And yet you claim to be a competent police inspector? A. Yes, sir.

Q. And the women of these houses went on the stand and swore they had been running undisturbed for years before Dr. Parkhurst made complaint against them? A. I don't doubt it.

Q. And paid money for their running undisturbed? A. That may be.

Q. And all that could have occurred without your knowledge? A. Yes, sir.

Q. What were you doing for the money paid to you by the city of New York, sitting in the office and hearing reports that you supposed to be true? A. Will you allow me to show you, Mr. Goff, what I done.

Q. No, not in that way, inspector; in the early part of your testimony you said that you received these reports from Schmittberger and other captains, and you supposed them to be true? A. Yes, sir.

Q. Did you not take means to ascertain whether they were true or not? A. I accepted them as true.

Q. You accepted them as true? A. Yes, sir.

Q. You knew yourself, from your own experience as captain, that these reports were meant to deceive? A. No, sir.

Q. You knew that they were gotten up in what was called "fake" form? A. No, sir.

Q. How is it that Captain Westervelt's precinct, for instance, was infested by the policy dealers? A. I don't know.

Q. Do you know Al Adams? A. Yes, sir.

Q. How many times has he visited your house? A. Twice, I think.

Q. What did he visit you for? A. In relation to a wayward son.

Q. He was the policy king of the west side? A. I don't know it.

Q. He visited your house more than twice? A. I don't recollect but two visits.

Q. In the cabs of Ryerson & Brown he visited your house a good many times, if the books of that firm are to be relied upon? A. They ought to be relied on.

Q. According to the books he visited your place a great many times—he kept a monthly account there? A. Yes.

Q. And he visited your house more than twice? A. He may have.

Q. Always about this wayward son? A. Yes.

Q. What became of the wayward son? A. He sent him to sea by my advice.

Q. You knew he was the policy king of the west side? A. No; I did not.

Q. Did you know that Al Adams was a policy backer, and that you advised this violator of the law what to do with regard to his wayward son? A. He sent him to sea by my advice, yes, sir.

Mr. Goff.—We will excuse you for the present.

Morris Rosenfelt, a witness called on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. Where do reside? A. I can not give you my address.

Q. Why? A. I ask if I have a right to refuse to give my address.

Q. What is the reason? A. I am really afraid I would get the same treatment as others did that testified against the police.

Q. What treatment, are you afraid of personal violence? A. Yes, sir; afraid of my life.

Q. Have you been threatened? A. I suppose if I testify anything here, if I say anything here against the police, I am sure to get something.

Q. Give your residence to the Senator there if you are afraid.

The witness then give his address to Senator Bradley, who gives it to the stenographer as 31 Chrystie.

Q. Now, Rosenfelt, what is your business? A. I am a tailor by trade.

• Q. Do you know Inspector Williams? A. Yes, sir; I know him well.

Q. Did you visit Inspector Williams? A. Yes, sir.

Q. When? A. I can hardly recollect exactly, but I suppose it was 10 o'clock Monday morning, September 2d; I suppose it was on that day; I am not sure whether it was September or October.

Q. This year? A. Yes, sir.

Q. Tell us why did you visit him there? A. It was on that very morning, about 2 o'clock in the morning of that very same day that I was standing at the corner of Forsyth and Bayard street near a soda water stand that is kept by a friend of mine; I was talking to that man with whom I was boarding at the same time, that is at that time, and I was waiting to get the latch-key to go up to my room, and an officer came along and ordered me away; I explained to him what I was standing there for; I told him what I was waiting for, just for the key, and would go up to my room in a minute; he swore at me, saying he did not care where I lived and struck me on the head and kicked me with his feet, and I fell to the ground, without any other reason than that; and that morning between 10 and 11 o'clock I went to police headquarters and explained to Inspector Williams, the head officer; when I made my complaint to that inspector, he said, how much money would you want from that officer to settle up this case: I said, "What do you mean by that;" he said, "How much money would you want from the officer not to make any charges against him;" I said, "Inspector, I didn't come here for money, I don't care for money, I came here to fight my rights;" he said, "You don't care for money;" I said, "No, sir;" he told me then that I was a liar; I asked him what was the reason he thought I was a liar and he said, "You people killed Jesus Christ for the sake of a few pieces of silver."

Q. What is that? A. He said, "Because my people killed Jesus Christ for a few pieces of silver;" he said, "I will not take any complaints from you sheenies at all;" that is all I had with Inspector Williams.

Q. Inspector Williams stated on the stand to-day that if you swore to that you would swear to a lie? A. And I say here that he is a liar.

Q. Are you swearing absolutely to the truth? A. Yes, sir; I swear to it.

Q. You have voluntarily come forward here? A. Yes, sir; to tell the truth, just to tell the truth and nothing else.

Q. And to give your testimony? A. Yes, sir.

Q. You have got no feelings of enmity against Inspector Williams? A. No, sir; I never knew Inspector Williams before; I never had anything to do with any policemen before.

By Chairman Lexow:

Q. What time in the morning was it? A. It was between 10 and 11 o'clock.

Q. That you were struck? A. No; that was about 2 o'clock in the morning.

Q. Had you been drinking? A. No, sir.

Q. Were you making any noise in the street? A. No, sir; never in my life, I never drink and never made any noise in the street in my life.

Q. What were you doing out so late? A. I was out of work for some months, so I was with friends spending the evening, and I came right home.

Q. You were having a good time before, eh? A. No, sir.

Q. How many friends did you spend the evening with? A. A friend or two, that is all.

Q. What were you doing? A. Playing cards, that is all—never drink anything.

Q. Are you a total abstinence man, are you in favor of total abstinence, never drink at all? A. Well, I do drink once in a while, but I never was drunk in my life.

By Senator Bradley:

Q. Was that all that Captain Williams said or did to you? A. That was all.

Q. He didn't order you out of his office? A. Yes, sir; he said, "Get out of here, I won't have no complaints from you sheenies at all."

Q. He did not put his hand on you, did he? A. No, sir.

Chairman Lexow.—All witnesses subpoenaed for this morning will attend here again at quarter before 3 o'clock. The committee will stand adjourned until that time.

AFTERNOON SESSION.

December 28, 1894.

Present.—Senators Lexow, O'Connor, Pound, Bradley and Cantor.

Mr. Goff.—Is Captain Martens here? (No answer.)

Chairman Lexow.—Captain Martens.

Mr. Goff.—Is Captain Meakim here?

Chairman Lexow.—Captain Meakim.

Mr. Goff.—Another sudden fit of sickness.

Chairman Lexow.—On whose part?

Mr. Goff.—Captain Martens' part. We saw him in the City Hall park a while ago. I have been trying for a week to have him get Mrs. Martens into court. I know she was here yesterday, and the only time I could not examine her. I have been waiting for a week to examine her and she is not here when I want to examine her or her husband. Is Captain Westervelt here?

Chairman Lexow.—Captain Westervelt.

Mr. Goff.—Where is Captain Martens?

An Officer.—He has gone up with his wife to the doctor.

Mr. Goff.—We telephoned for a witness, Mr. Chairman, to come here. It is strange all the captains we have been trying to keep and hold under subpoena, that all get sick the moment their examination comes up. Now his wife is sick and taken suddenly ill. I read from the official records in connection with certain complaints made against certain disorderly-houses in the Nineteenth precinct, and on which there was afterward a trial at headquarters against Captain Williams for failure to suppress those disorderly-houses, this testimony being taken at the police court, second district, Jefferson Market, of this city, and put in the form of Captain Williams' own testimony. I had not the paper in hand when Captain Williams was on the stand, but I think, it proper to put it in here. It is the official record, with Captain Williams' affidavit, and in his own handwriting. In the case of Captain Alexander Williams against Catherine Fisher, and which was put in evidence on his trial. "Q. Do you know the house 106 West Thirty-first street; do you? A. Yes, sir. Q. Do you know the proprietress?

A. Catherine Fisher. Q. You made the following affidavit on February 9th. (This is the affidavit referred to.) Setting forth the disorderly character of the house. (The affidavit is read.) Q. Do you swear to this? A. By Captain Williams. That is the language of the law. I do not know of my own knowledge. I expected to prove it by that priest there. I got three letters from him saying that he could prove the character of those houses." The priest there was Reverend Father Pretorius, of the church of Franciscans, who made the complaint, both to the captains and to the inspectors and to the commissioners; and this was Captain Williams' sworn answer: "I do not know of my own knowledge. I expected to prove it by that priest there." That is some testimony I wanted to get on the record. Evidently my public message has not hastened the convalescence of Captain Meakim. We will have to wait a little while for that witness; but in the meanwhile I will occupy the time with something I consider of importance. Is Captain Delaney in court? (No answer.) Is Captain Ryan in court.

A Messenger.— Captain Ryan will be right here.

John J. Delaney, called as a witness on behalf of the State, being duly sworn, testified as follows:

Mr. Goff.— Is Captain Washburn here? These captains, Mr. Chairman, have all been under subpoena.

By Mr. Goff:

Q. Captain Delaney, I want to be as fair as I can be with you on this examination; I want to ask you a few questions; are you in possession of good health? A. Yes, sir.

Q. Now, you had an accident by which you lost your eye? A. Yes, sir.

Q. Has that affected you in any way? A. It affects me so far that I have no use of that eye; it is an artificial eye.

Q. It has not affected your capacity as police captain in any way? A. No, sir.

Q. You attended to your duties? A. Yes, sir.

Q. Have there been any complaints made about your actions at the station-house? A. No, sir; none whatever.

Q. You are in perfect possession of all your faculties? A. Yes, sir.

Q. You bought some real estate recently? A. Yes, sir.

Q. Where is it situated? A. That is, my wife bought it.

Q. And she bought it with your money? A. No, sir.

Q. Where did she get it? A. She inherited it from her father's estate.

Q. Who is her father? A. His name is John J. McAuliffe.

Q. Where did he die? A. He was a prominent builder in this county 30 or 40 years ago.

Q. When did he die? A. I never knew him, sir.

Q. How long were you married? A. Twenty years.

Q. Your wife was an heiress when you married her? A. I suppose so; I made no inquiry.

Q. The lady is dead now? A. Yes.

Q. When did you first learn that she inherited money from her father? A. Years after I had married her; some years after.

Q. Some years after? A. Yes.

Q. How long is it ago since your wife bought property? A. In 12 years.

Q. In 12 years? A. Yes, sir.

Q. Have you ever bought any property? A. Never, sir.

Q. How long is your wife dead? A. My wife is dead four months.

Q. Where did you live when your wife died? A. No. 312 East Forty-first street.

Q. That is the house she owned? A. No, sir.

Q. What house was that? A. No. 236 East Seventy-eighth street.

Q. How much was given for that house? A. Five thousand two hundred and twenty-five dollars.

Q. Well, the house was bought this year? A. No, sir.

Q. Did she buy a house this year? A. Yes, sir; her brother did.

Q. She did not buy—I ask you if she bought a house? A. Her money was interested in it.

Q. Her money bought the house? A. Yes.

Q. What house was bought this year? A. No. 153 East Forty-fifth street.

Q. How much was given for that? A. Well, \$7,000 paid down on it, and a mortgage, I think, of \$10,000.

Q. How do you know; you were not interested in it? A. I was interested in it to a certain extent.

Q. To what extent? A. I wanted to see my wife — she spoke to me about it, and was very sick at the time, and she imagined if she could buy this house and move into another she would get better.

Q. The house was bought because Mrs. Delaney being very sick thought if she left her own house and moved into the new house she would recover? A. Yes; that is all about it.

Q. Whose money bought that house? A. Mrs. Delaney's.

Q. Then she had two houses? A. Well, yes; the other was too small.

Q. It is one that was large enough for you for a great number of years? A. It is not a house; it is only a 12-foot house.

Q. It cost some \$5,000 and some hundred dollars? A. Yes, sir.

Q. Did you move into the new house? A. Yes, sir.

Q. Where did Mrs. Delaney get the money with which she purchased the house? A. Where did she get it?

Q. That is my question? A. She had it; she had some and I gave her some more; I think I gave her between \$3,000 and \$4,000.

Q. How much had she? A. I don't know how much she had; she gave me, I think it was in November, 1892, she was then taken very sick, and I think she gave me \$3,100.

Q. How did it come to be in her brother's name? A. He held it; it was an understanding between her and me that he should have it in case anything should happen to her, in benefit for the children.

Q. Why didn't you take it in your name for the benefit of the children? A. That is the reason, that it was an understood thing between her and me.

Q. That her brother should take the property for the benefit of your children? A. Yes, sir.

Q. As a matter of fact, you did not buy this house, or this house was not bought until after you became captain of police? A. That is right; yes, sir.

Q. Now, up to the time that you became captain of police, you were getting along on your salary as a sergeant? A. Oh, yes.

Q. Living upon that? A. Oh, yes, sir.

Q. And nothing — and saving money, too? A. Yes, sir; all the time had plenty of money out of my salary.

Q. Your salary was \$2,000? A. Yes, sir.

Q. How much did you save? A. I could not tell you; my wife handled all my money; I did not save a cent.

Q. Did you have a bank account? A. Yes, sir.

Q. Where did you have a bank account? A. The Emigrant Savings Bank.

Q. How much did you draw there? A. I don't know; about — I think it is \$1,200 or \$1,300; it is there yet, too.

Q. Where did you get the \$4,000 or \$5,000 you gave your wife to buy the property? A. Where did I get it; well, I got a good deal of it — the time I was injured I received a great deal of money.

Q. What for? A. Mr. Jerome's uncle sent for me and gave me a check for \$1,000.

Q. That accounts for \$1,000? A. Yes.

Q. What else? A. While I was in the hospital I saw only my wife; I was worrying she would not have anything while I was there, and she told me, no, I need not be uneasy, that she was well taken care of, and she said during the last three days I received over \$800 or \$900; she received, I understand, between \$7,000 and \$8,000 besides what I gave her.

Q. How long have you studied up this little story you have told on the stand; how long has it taken to study it up? A. Everybody knowed about that as well as I do.

Q. I am sorry your wife is dead, because I do not wish to put to you questions concerning her and her decorations; I regret it very much; I wish that she were living? A. I wish she was.

Q. I wish she were for the purposes of this investigation; I ask you now if you can prove that she got that money from her father or from her father's estate? A. I never made any inquiry, and she was entitled —

Q. If you do I will prove you lied in every word you said on the witness stand? A. She was entitled to it.

Q. You say she got from \$7,000 to \$8,000; I say if you prove that fact, that I will prove you lied? A. I do not say from her father's estate; I said from the hospital, from the citizens of New York.

Q. Will you give us the name of one citizen? A. I can not; I guess she received part of it through the Tribune and Times, and World and Herald and Sun.

Q. Why, Captain Delaney, don't you think you are a little exaggerating, sir? A. I am not, sir; this is what she told me, and I have no doubt it is true.

Q. But you said before she inherited the money, she bought the house with? A. Part of it.

Q. How much? A. I don't know.

Q. Where did you get the \$5,000, if she had \$7,000 or \$8,000 that she got from the Tribune, the Herald and all the other papers, and from the citizens of New York; where did you get it? A. I saved it up, I suppose.

Q. Don't you know? A. Yes.

Q. Tell us then? A. Well, I saved it up from my salary and other things.

Q. Where did you keep the money you saved? A. Well, I kept some of it by me.

Q. How much? A. Oh, may be \$100 or \$50, or something like that.

Q. Where had you the \$4,850? A. Mrs. Delaney had part of it.

Q. How much had she? A. I can not tell you that, Mr. Goff; I do not remember everything that she has had and what she has did.

Q. How much had she of the \$5,000 you gave her? A. I could not tell you, sir.

Q. If she had it, how could you give it to her? A. I gave her some.

Q. How much did you give her? A. I could not tell how much.

Q. Isn't it the fact that the whole story you have told here is a tissue of falsehood? A. No, sir.

Q. Have you a bank-book to show you drew the money out? A. I think I drew some of the money out of—

Q. Now, don't think about it; you either know or don't know? A. Well, I am not sure; I think the Bowery Savings Bank.

Q. How much did you draw out of the Bowery Savings Bank? A. I don't know; I think \$1,200.

Q. Have you the book? A. Yes; I think so.

Q. You are thinking everything and are not sure? A. Well, yes.

Mr. Goff.—Captain Delaney, out of mercy to you I will let you go. I don't think you are in your right mind. I think that the injury on your brain you have received in the performance of your duty, I really think that has affected your mind.

Any man that testifies as you have testified here; and I must say, in saying that to you, I have always heard of you as a brave officer in the performance of your duty; at the same time I say what I believe to be manifest, and what I believe to be the truth. You can account for that property, Captain Delaney since you become captain. It was bought this year. As I repeat again I am very sorry that your wife is dead, because I do not repeat declarations or put forth witnesses as to her statement as to how that property was acquired. Now, you may go, Captain Delaney. Now, Captain Ryan.

Captain Thomas M. Ryan, called as a witness on behalf of the State, being duly sworn, testified as follows:

Mr. Goff.—It is with very great regret I have to announce that Captain Josiah J. Westervelt is at present suffering from a severe attack of gastro-intestinal catarrh, and that he is under the care of W. F. Donovan, M. D., police surgeon.

By Mr. Goff:

Q. Captain Ryan, what was the woman's name, you know, that you inquired about, that occupied the house with yellow shades that you have said, when you were in the Fifteenth precinct? A. I do not know that I ever—

Q. Don't you remember making the inquiry of the wardman and saying, who is it that lives in that house that has the yellow shades, don't you remember that? A. I do not.

Q. Let me see if we can not refresh your memory; do you remember drawing \$500 out of the bank and paying it to your wardman? A. Me?

Q. You? A. No, sir; I do not; I never did it.

Q. Who did it for you? A. Nobody.

Q. What banks had you an account in when you were captain of the Fifteenth precinct? A. I had an account in the German Savings Bank, Fourteenth street and Third avenue.

Q. What other account? A. I have an account in the Bleeker Street Bank.

Q. Any other bank? A. No other bank.

Q. Did your wife have any account? A. She did.

Q. At that time; in what bank? A. In the Bowery Bank.

Q. Any other banks? A. No.

Q. For fear I should forget it, Captain Ryan, I wish you would bring those three bank-books here in the morning? A. That will be done, sir.

Q. Well, captain, who was your wardman in the Fifteenth precinct? A. I had two, Mr. Goff.

Q. What is their names? A. Sullivan, and there was Cooney, the pretty man that was here.

Q. The pretty man, yes, he was your wardman, that rang the bells of the houses before he wanted to go in, to notify them he was coming; you remember his testimony? A. That I have heard here.

Q. Did he ever report to you the manner in which he discharged his duty in investigating the houses of that precinct? A. He never did. }

Q. I suppose it was news to you when you heard that testimony; it was news to you that your trusted wardman would go up a stoop and ring a bell in order to notify them they were coming? A. It was news to me. }

Q. I would like that more police captains would take a leaf out of our experience before this committee; it was news to you, was it, that the house in that precinct paid blackmail while you were captain? A. They did not while I was captain, and I closed up every house in that precinct before I left it.

Q. You closed up Mrs. Hermann too? A. Every one of them.

Q. Mrs. Hermann swore you did not; did she swear a lie? A. She did not tell the truth.

Q. Did she swear to a lie? A. I would not say she swore to a lie. }

Q. She also swore that there were other houses in that precinct besides her own that were in full blast while you were captain there? A. My dear sir — }

Q. I am asking you; she also swore there were other houses there; did she swear to a lie also? A. That was not true.

Q. She ran three houses, she said? A. They were all closed.

Q. She ran houses and made plenty of money? A. She might for a while.

Q. While you were captain? A. Not all the while.

Q. And you took such an interest as to contribute money as to get her away? A. No such thing.

Q. You were one of the captains she paid blackmail to? A. She never did.

Q. She swore she did? A. She swore she did not; she said she never did it, either me or my wardman.

Q. She did not say she paid it to you directly, but that she paid every month for her three houses there? A. You ask her if she ever paid —

Q. No; pardon me; I will conduct this examination; she swore that her three houses were in active operation, and that she paid her \$50 a month for each of those three houses while you were captain of that precinct; I ask you did she swear to what was true or what was false? A. I don't know what she gave to outsiders; she did not pay it to me or anybody else.

Q. That is not my question; I will repeat it again; you—
A. It is impossible.

Q. Wait a while; she said that while she was in that precinct, and while you were captain of that precinct that she ran three houses in the same street, West Third street, and that for each house she paid \$50 a month blackmail to the police; did she swear what was true or untrue; answer my question yes or no? A. I can not answer that; she might have paid it to somebody.

Q. She said to the police? A. I can not answer that question.

Q. You would not deny it? A. I would not deny it; it might be possible.

Q. It might be possible for this woman, a woman like her might pay money to the police as blackmail, and you as captain of the precinct not know it? A. That is a fact.

Q. And what is true in that precinct is true all over, is it not?
A. Yes, sir.

Q. In all the precincts you have been; that was true in all the precincts you have been commanding? A. That is true.

Q. So we have it—I see you are one of the oldest captains, I think? A. One of the oldest; yes sir.

Q. How many years have you been captain? A. Sixteen or 17 years.

Q. How many years have you been on the force? A. Thirty-one.

Q. And we have it from you that it is possible under present police management and discipline, and under that which has obtained for years, for the keepers of houses of ill-fame to pay blackmail to the police without the captains knowing anything about it? A. That can be done.

Q. So that wardmen have been getting rich while captains have remained poor; is that the condition of affairs? A. I can not say that; it might be possible.

Q. For instance, you know that your old wardman, Mularkey, got pretty rich while he was wardman for you? A. He was not worth \$1,000 when he died.

Q. He was not; well, he may have spent it; he was pretty well off when he was wardman? A. He was not worth anything.

Q. It has been sworn he collected blackmail from the liquor dealers in your precinct while you were commander of the precinct? A. That he did collect it?

Q. That he collected money from the liquor dealers in that precinct while you were captain; do you know anything about that? A. He beat me then; I don't know anything about it.

Q. Do you know anything about it? A. I do not.

Q. When you say he beat you, do you mean to say he beat you out of the shares of the collection? A. No; I mean to say he beat me on my opinion of him; I did not think he was that kind of man; Mularkey was a decent, upright, honorable fellow.

Q. How about getting Mrs. Herman off, Captain Ryan? A. Why Mrs. Herman was off for a long time before I knew it; it was through the press I knew she was off; now, I hope you don't think for a moment that I had anything to do with sending away Mrs. Herman, Mr. Goff; in the first place Mrs. Herman had nothing to say against me when she came here; I would be glad if she remained here, and I was glad when she returned, because she testified before the Senate committee that she never paid me; you asked her if she ever paid my detective; she said no, and you will find that out on your record; "did you ever see Captain Ryan," and she says, "I saw him once; he was pointed out to me from my window, the only time I ever saw him;" that was not implicating me, I am sure, or my name; as far as the detectives were concerned, I could not answer for them.

Q. Yes? A. Well, Mrs. Herman swore that some money that was contributed to pay her expenses, and to send her away, was contributed to by four captains, each of which had the command of the precinct where she ran her houses there; you were one of the four captains that had command of the precinct? A. I was for three months; only three months.

Q. It doesn't make any matter whether it was only three days? A. I done hard work in those three months; better than was ever done since or before.

Q. What commissioner appointed you, Captain Ryan? A. What commissioner?

Q. Yes. A. Commissioner Smith, I think.

Q. Baldy Smith? A. Him and Commissioner Nichols.

Q. Well, captain, you knew when you went to the Fifteenth precinct that it had a pretty bad reputation? A. I knew it had.

Q. And that there were plenty of gambling-houses and houses of ill-fame in that precinct? A. I knew all this, Mr. Goff.

Q. Now, in your childlike innocence, did you ever hear of these houses being blackmailed by the police while you were captain? A. No, except through general rumor; through the press.

Q. You knew it by general rumor? A. That is all.

Q. Did you ever take pains to investigate the truth of that rumor? A. Well, no; not particularly.

Q. You had too much faith in your wardman to do that? A. Not that altogether; I was so very strict in trying to get these people out that I did not think they would be foolish enough to pay the wardman one cent; they had no protection.

Q. And you rested upon that? A. I did.

Q. You did not succeed in getting them all out? A. Every one of them.

Q. You would not go on record if there was not a house? A. I swear here I closed up every disorderly-house, every gambling-house and policy office, and every slide and dives in the precinct in three months.

Q. You know what a dive is? A. I do well.

Q. Do you know what a slum is? A. Yes, sir.

Q. The slums? A. I have an idea what it is.

Q. When you say a "Slide," you know what it means? A. We had one of the most notorious slides in the world in Bleecker street when I had command of that precinct.

Q. Did you ever apply for the position of inspector? A. I never did.

Q. Your superior officer, Inspector Williams, has been on the stand to-day, and says he does not know what a dive is? A. I do not know that Inspector Williams had a dive in his precinct; I never had one until I went to the Fifteenth precinct.

Q. Did you ever know what a dive was before you went there? A. Well, I had an idea of what it was; but I never had anything to do with them; never had any dealings with the people that kept them.

Q. How much do you pay your inspector? A. How much do I pay my inspector; I do not pay him anything or never did.

Q. You don't mean to say you are a favorite? A. I don't know.

Q. You are not a favorite that you are exempted from paying?
A. I could not pay, because I did not get paid myself; that is the only way I could answer.

Q. You did not get paid yourself? A. I do not; I never collected a cent nor anybody for me; I work honest, and I am independent so far as that is concerned.

Q. Well, what real property do you own; you speak of being independent? A. Well, I will answer that question, of course.

Q. Another question? A. Yes.

Q. Tell us what real property you own? A. I own a house in One Hundred and Seventh street.

Q. In One Hundred and Seventh street? A. Yes, 225; that house brought \$13,500, or about that; there is a mortgage of \$7,000 on it.

Q. Who holds the mortgage? A. The German Savings Bank, Fourteenth street and Third avenue.

Q. What other property do you own? A. I own four lots in Woodlawn heights.

Q. Yes. A. That is all.

Q. That is all? A. That is all.

Q. What did you give for the four lots? A. I gave \$2,000 for them.

Q. What other property did you own? A. No more.

Q. What property does Mrs. Ryan own? A. She owns the house we live in.

Q. Where is that? A. Three hundred and eighteen East Forty-first street.

Q. How much did that cost? A. About \$6,250; that was bought for me in 1880 by William B. Dinsmore.

Q. Bought for you? A. Yes; I gave it to my wife.

Q. Who bought it for you? A. William B. Dinsmore; he bought it for me and I paid him.

Q. He was an agent? A. He was in the Adams Express Company; a man worth millions of dollars.

Q. You mean the president of the Adams Express Company? A. Yes, sir.

Q. Haven't you a country house? A. I have not, and never did have one.

Q. Or your wife? A. No, sir.

Q. Somewhere up the Hudson? A. No, sir.

Q. Where are you stationed now? A. I am stationed at Highbridge.

Q. You have not got much opportunity to practice panta-taism up there? A. None at all; Mr. Goff, I would not have it at any rate; what I say is right to the point.

Q. When you say you never paid your inspector? A. Paid my inspector?

Q. Yes, sir? A. No, sir; I never did.

Q. Was that why you were allowed to remain only three months in the Fifteenth precinct? A. I don't know, sir; I was driven out, and I don't know for what.

Q. You were driven out? A. Well—

Q. Well, if you drove every house in that precinct— A. I can prove that, Mr. Goff.

Q. You prove yourself a good captain? A. That is for you.

Q. I take your word, you prove yourself a good captain in the interest of law and order? A. I drove the gambling-houses out.

Q. Can you tell us now, you proving such an excellent captain there in the performance of your duty, should only have been allowed to remain three months in that precinct? A. I can not account for that.

Q. Was it because you did not pay your inspector? A. There was a general transfer of captains, and I went with the others.

Q. A shake up? A. A shake up.

By Chairman Lexow:

Q. From your own experience could any other captain in any other precinct in the city abolish all houses of vice as readily as you could in your precinct? A. Well, if they took the methods that I have taken they might, I think.

Q. If they conscientiously and honestly desired to do so in your judgment could they have done so? A. Well, they could to a great extent; it is very hard to abolish it entirely; it can not be done; I closed the houses up so they were dark and no business doing.

Q. If they had been conscientious in doing their duty they could substantially have abolished all the houses in their precincts, could they? A. I do not know that they could.

Q. Not all, but substantially all? A. Yes; to a great extent.

Q. Very much more than we found when we started in on our experience here? A. It might be possible.

Q. That is your judgment? A. That is my judgment; the method I took to abolish those houses, I do not know that any others took that method; I am not aware of it; I got the names of all the owners of the property, or their agent; I went to the district attorney's office and I asked him to give me help to push these parties out; that is, to hold the agent or owner of the property responsible; he said, "You give me those names and I will give you all the assistance I can;" I got him the names of each of the property owners or the agents, or the agent of the property owner, and the district attorney served each of them with a notice, and I had no difficulty whatever to close them out; that was all what was done through the district attorney's office.

By Senator Bradley:

Q. Do you think it is possible for houses of this description to remain open 48 hours in a precinct where the captain wants to close them? A. They might be open 48 hours and the captain not know it in four days.

Q. How could it be possible? A. If the men neglected to report to the captain he could not discover it in so short a while.

Q. Your best judgment, as an honest police captain in this city, is that if every captain had been as conscientious and honest in the performance of their duty as you say you have been, all these houses would have been abolished? A. Not all of them; substantially all.

By Mr. Goff:

Q. If every captain had been as conscientious as you in the discharge of their duty, could the system of blackmail have existed in other precincts which have been shown and sworn to have existed there? A. The detective might be able to collect blackmail, and the captain would not know anything about it, neither would the inspector or superintendent.

Q. You think that practice could continue long? A. I don't see how it could continue very long.

Q. But it has been sworn to here that it has continued for 12 and 15 years? A. I can not say about that.

Q. And it has also been sworn to by one of your brother captains that the police department is rotten clean through

and through; what have you to say to that testimony, as a good captain who has done his duty according to your best light? A. I would not want to say anything on that point, if I could avoid it.

Chairman Lexow.—We are here for the purpose of ascertaining just those facts, captain; so answer the question.

The Witness.—Oh, I think that the department is not as bad as it has been represented here, or half.

Q. It is not half as bad? A. No, sir.

Q. It is pretty bad? A. There is some bad ones in it, no doubt.

Q. What do you say, captain, to all these revelations of blackmail on every hand, blackmail of almost every trade and occupation, by members of the police department; what do you say to that, as compared to badness? A. That is very bad; and if properly proven —

Q. It has been proven here before this committee? A. I am aware to some extent —

Q. And one of your brother officers has gone to State's prison as the result of the proof? A. Yes.

Q. Do you think that is a pretty bad condition of affairs? A. It is.

Q. I think, captain, we will excuse you until to-morrow morning, when we will look at those three bank-notes, if you please? A. Yes, sir.

Mr. Goff.—All your bank-books, if you please; and your wife's bank-books.

James J. Martin, recalled as a witness on behalf of the State, testified as follows: |

By Mr. Goff: |

Q. Commissioner, I believe that you have been put to a lengthy examination before this committee? A. Yes, sir; I was here for several days. |

Q. Three days, the record says; well, I do not think that it is either necessary or proper at this time to go over the ground that the distinguished counsel has gone over with you before this committee; but there are some matters that have arisen since the examination of you, Commissioner Martin, which we think it proper to ask you; now, first, I will ask you, Commissioner Martin, in relation to testimony here before this committee, that the liquor dealers discontinued paying blackmail to the

police because they had entered into an arrangement with Tammany Hall that they should be protected from the payment of such blackmail; do you know of any such arrangement, or do you know anything connected with it? A. I do not know of any such arrangement; and have no knowledge of anything connected with it.

Q. In the Sun, of December 17th, your fellow commissioner, Sheehan, is reported to have said, and he verifies the truth of the report, for Mr. Sheehan was on the witness-stand, that the liquor dealers had received notice not to pay any more blackmail to the police; Mr. Sheehan swore to the truth of that on the witness-stand; and that the liquor dealers had received such notice not to pay any blackmail to the police after about that date; do you know anything of such a notice? A. No, sir; I do not.

Q. Did you ever hear of it? A. I never had anything to do with it whatever; if any such notice was given.

Q. Could one commissioner of police order or direct such notice without the knowledge of his associates? A. Well, he could in talking with liquor dealers, or people representing them; could make that statement without the knowledge of the other commissioners; yes, sir.

Q. Do you think it a proper thing for a commissioner of police to even talk to the liquor dealers about the payment of blackmail to the police? A. No, if he had any knowledge that such blackmail was being paid; I think not.

Q. But it appears that there was knowledge to warrant the commissioner in his interview in the Sun, and in his declaration on this witness-stand; that the liquor dealers had been paying blackmail to the police before that; and that they were advised to stop paying blackmail; have you any knowledge whatever of the payment of such blackmail, or rumors affecting it? A. I heard rumors, sir; yes, sir.

Q. Did you ever do anything as commissioner of police regarding such rumors? A. I never was able to obtain any evidence about it.

Q. Did you ever do anything? A. I have spoken to the superintendent of police about it.

Q. In what form did you speak to the superintendent of police? A. I told him there were rumors that such payments were being made.

Q. Was that before the discontinuance? A. Yes; from the time I was commissioner almost.

Q. Did you ever direct the superintendent to institute an investigation? A. The superintendent said he would investigate it.

Q. Did you ever ask for a report? A. He never made a report, and told me he had no evidence about it.

Q. Did you speak to him more than once? A. I think I did; yes, sir; several times; I spoke to the present superintendent, and I spoke to the previous superintendent.

Q. But you had the power as a commissioner yourself, one of the heads of the department and the president of the commissioners, to institute an investigation yourself? A. Well, all of our investigations of that character are made through the superintendent.

Q. But you recognize, Commissioner Martin, that you had the power to initiate such an investigation yourself? A. We had very little power to do that; we had no facilities for making such investigations; we have no means at our command to make it with.

Q. Rule second of the department says, "The board of police is the head of the police department, governs and controls the department, its business and affairs; is invested with and exercises all the power conferred by law upon the police department;" now, in view of this rule, Commissioner Martin, you say that you had not the facilities to institute such an investigation? A. Yes, sir.

Q. Explain to us what you mean? A. I had no facilities whatever at my command; there was no police officer attached to me except one messenger at my door; that is all the men that I had under my immediate control; any investigation therefore of that character would have to be made by the superintendent; he was head of the force.

Q. Couldn't you have called upon the detectives yourself? A. I could have done it; but I did not care to do that.

Q. Why? A. Because I did not think I could get information in that way.

Q. Did you feel you could not do so with perfect confidence? A. Exactly so; yes, sir; and under—if you read Rule 26 you will find it provides how matters of that kind shall be investigated.

Q. "Rule 26. It shall be the duty of the superintendent to enforce in the city of New York all the laws of the State and

ordinances of the city of New York, and ordinances of the board of health, and the rules and regulations of the board of police, to abate all gaming-houses and rooms and places kept or used for lewd or obscene purposes, and amusements and places kept or used for the sale of lottery tickets or policy, or for any other unlawful purposes whatever." A. That is the previous Rule 25.

Q. Rule 24 makes him the executive officer? A. Yes.

Q. "The superintendent of police shall be the chief executive officer of the police force, subject to the orders, rules and regulations of the board of police" A. Yes, sir.

Q. So this rule makes him subject to your orders and rules? A. Certainly.

Q. Did you issue no order directing him to institute such investigation? A. No, sir; I did not.

Q. Can you explain why you failed? A. The information never was substantial enough to warrant me in introducing a rule before the board.

Q. Being at the head of the department you are naturally jealous of its reputation? A. Yes, sir.

Q. And of your own? A. Yes.

Q. That follows; now, being jealous of its reputation, and hearing the rumor that its members were collecting blackmail from liquor dealers of this city, were you not called upon to see an investigation was initiated and conducted to ascertain the truth or falsity of that rumor? A. Well, the matter did not come to me in such a shape that I felt warranted in introducing a resolution.

Q. You do not mean us to understand that you would not introduce a resolution until you had positive evidence? A. No; I would introduce a resolution without positive evidence, but I wanted sufficient to warrant it.

Q. The rumor of the police collecting blackmail from the liquor dealers was based upon what? A. It was general talk; I would hear in conversation amongst people I would meet that payments of that character were being made, from men that were not making the payments, however.

Q. I apprehend that would be the case; now, Mr. Martin, is it not a fact that you were in conference with representatives of the Liquor Dealers' Association? A. No, sir; I never was in conference.

Q. Did you ever meet Mr. Tekulsky? A. Not as representative of the Liquor Dealers' Association particularly.

Q. You have met with him privately; I mean as representative of the Liquor Dealers' Association? A. Not in that capacity.

Q. Did you ever meet Peter Seely? A. I have met Seely, but not in that capacity.

Q. Did you ever meet David Hall? A. No, sir; I never met him as a committee.

Q. Did you ever meet them together to discuss questions relating to the liquor trade in New York? A. I never met them together.

Q. Were you not at the Hoffman House in company with these gentlemen, and a German, the name of which I forget now, who was treasurer of the Liquor Dealers' Association; were you not in the Hoffman House with them? A. No, sir; I was not.

Q. Did you never hear of a meeting being held in the Hoffman House? A. Never heard of it except it was published in one of these papers published by the liquor dealers, where such statement was made.

Q. Did you not and Mr. Croker go to the Hoffman House and enter into an arrangement with the Liquor Dealers' Association respecting the levying of police blackmail, in order to stop it? A. No, sir; I—

Q. Or did you meet at any other place? A. No, sir.

Q. Did you ever hold such a conference with representatives of the Liquor Dealers' Association? A. No, sir.

Q. Did you know of Mr. Croker holding such a conference? A. I never did.

Q. Did you know of your own knowledge, or did it come to you on information that might be considered fairly reliable, that such conference had been held? A. Never heard of it until I read it in that newspaper I told you.

Q. Did you ever hear of it; it has been sworn to here by a police officer, of an arrangement that the members of the Liquor Dealers' Association in New York should display in their liquor stores certificates of membership, and that that would be a warrant for protection of them? A. I remember of such testimony being given here.

Q. Did you ever hear that? A. Never heard it before I read it in the papers after it was testified.

Q. Did you ever hear that instead of paying the police blackmail that the committee representing the Liquor Dealers' Association promised Tammany Hall to give to that organization their

political support, and that they should be protected from the police? A. I never heard that; I always supposed Tammany Hall got the most of that support anyhow.

Q. I ask you now if there was not an arrangement entered into between yourself and other leading members of the Tammany Hall organization to stop the police blackmail in consideration of the liquor dealers pledging their political support to Tammany Hall? A. I never was a party to such an arrangement.

Q. Did you ever hear of it? A. I never heard of it.

Q. Was it ever stated in your presence that some liquor dealers being Republicans could not pledge themselves to your support? A. I never heard of such a thing.

Q. Can you explain how it was that the collection of blackmail from the liquor dealers stopped at about the time Commissioner Sheehan said it did stop? A. Well, there was a change of the captains made all around at that time, a general change; and I think it had some considerable good effect.

Q. Was not that change made because a rumor reached headquarters that some of the captains were levying blackmail on the liquor dealers? A. That may have influenced the superintendent.

Q. Who made the change? A. The board, on the recommendation of the superintendent of police, shortly after his being promoted to that office.

Q. Commissioner Sheehan swore that that fact was one of the reasons, if not the principal reason, on which they, the board of police commissioners, changed the captains? A. The matter was never talked of in the board of police.

Q. Talked of quietly among the members? A. No, sir.

Q. Referred to at all? A. No, sir; not referred to amongst the members.

Q. Was the subject ever brought up of captains receiving blackmail from any source? A. Yes, sir; there has been some conversation on that subject, of course.

Q. Has there been any action by the board of police to discover whether or not any blackmail was levied? A. There has been no formal action by the board of police since I have been in connection with it.

Q. Did you, as a member of the board of police, consider it proper to remain inactive on such rumors? A. We regarded

the superintendent as the responsible officer, who had all the powers of that department at his command, and we regarded him as being vigilant and active in every direction, and we relied upon him being informed in that direction.

Q. If the superintendent failed to do his duty, the responsibility rested on you? A. I understand that.

Q. Since these rumors reached you, and since these rumors have been proven here by overwhelming evidence that they were well-founded, did the duty not devolve upon you then to take action, even though the superintendent neglected his duty? A. We have been taking action since we have the evidence.

Q. I know, but before; by the way, that brings up a subject to my mind I wish to ask you upon, and I might forget it; in regard to the trial of Captain Doherty and some of the sergeants tried for precisely the same offense, is it not a fact, Commissioner Martin, that some of those sergeants went to you and told you that this woman Thurow had gone upon the bonds for these unfortunate girls? A. Never in the world.

Q. Is it not a fact that Doherty went and told you? A. He never did.

Q. Will you swear that Doherty did not say that he had to do it; that Roesch told him to do it, the district leader? A. Captain Doherty on the police trial made a statement that he gave me information; his statement was absolutely untrue; I would not permit him, or any other captain, or any police officer to talk to me about that.

Q. Another statement made in connection with that is—I want to see how far this goes—it was stated that you told him to go back to the station-house and do as Roesch told him to do? A. Never in the world.

Q. Well, did you ever hear of district leaders exercising power or authority over police captains? A. I did not hear anything about it until recently here in these proceedings; I presume that the district leaders talked with the captain, of course; but I assume they talked to them on proper grounds; I never had any information that they approached him improperly.

Q. Judge Roesch has admitted on the witness stand here, that he secured the transfer of several police officials, and some sergeants, if I remember correctly—one I know; is it a fact that district leaders of the organization were enabled to

procure those transfers of officers from and to various districts? A. They were able to; I made some of them at the request of the district leaders and at the request of other people.

Q. Did you think that a proper practice? A. I would very much prefer to be relieved of that; it is a great annoyance and nuisance, and I did not want it.

Q. Then these transfers, made at the request of district leaders were made in the interest of the political organization of which you were members? A. They were made mostly in the interest of the officers and the one to be transferred, and his friends.

Q. It was made substantially as a political move? A. Yes; I think that is so.

Q. And do you think that is conducive to good discipline of the force? A. Well, I do not think that it injures the discipline of the force.

Q. Don't you think that where men recognize the fact that they have no other superiors to respond to or rely upon but irresponsible politicians, don't you think that impairs their usefulness, and interferes with the discipline of the police? A. I think the same pressure would be made to bear on a superintendent if he had authority.

Q. Whether applied to the superintendent or a commissioner, the question does not alter? A. No.

Q. Do you think it a wise one, or mischievous? A. I think it is a good one to get rid of.

Q. You think it a mischievous one? A. Yes, I do.

Q. Your doing it, and considering it a mischievous one, will you give the reason why you did it? A. The reasons given were, it was of advantage to the officer, and would bring him near his home, or some advantage to the officer.

Q. Of course, there must be some specious reason given you for you to make the change? A. Yes, sir.

Q. You knew at various times that these transfers were requested; that they were made in the interest of politicians — the various men who made the request? A. They were made both sides; it was six of one and half a dozen of the other.

Q. I am not questioning about the particular political phase of it now; I am speaking of politicians generally? A. They were urged to make these requests, and they made them; and, as opportunity offered to make the transfers without doing any

injury to the force; where the precinct was two or three deficient in their strength, and other precincts had a surplus, we made a transfer.

Q. Where a police official in a precinct recognizes that he is obliged to a political leader in that precinct for a favor extended to him, is it not human nature that he would be ready to respond with like favor to that politician in case of need and necessity? A. It ought to be so, I suppose; whether it is so or not is a question.

Q. You recognize, commissioner, that the police force of New York, that is supposed to be for the benefit of all the citizens, should be made use of to subserve no political party? A. I think that is true; yes, sir.

Q. You do not think that he should be made do so? A. I do not think; no sir.

Q. You have been a conspicuous member of your political organization — Tammany Hall? A. Yes; somewhat.

Q. And would you tell us to what extent you were guided in your administration of the head of the police department in this city by reason of your political affiliations? A. Well, I don't know of any instance where I was influenced by my political connections in dealing with the administration of the force, as a force.

Q. We will take this case; you remember the election of 1892? A. Yes, sir.

Q. You and the superintendent had a conflict? A. Well, a very small conflict.

Q. Well, for instance, he issued orders that you countermanded? A. No, sir.

Q. Didn't you come into the room where the superintendent was addressing the captains with regard to the enforcement of the election laws the Sunday before election, and say to the assembled captains that you were commissioner of police? A. I did not; I have testified very fully, Mr. Goff.

Q. You have gone over that ground? A. Yes, sir; have testified very fully, and am ready to testify again.

Q. Will you say now, for my enlightenment, as I was not aware that you had testified on that specific point, whether or no such conflict or division took place between yourself and the superintendent? A. It did not.

Q. What was the actual condition of affairs that Sunday? A. That was the first year that I was president of the board, having been elected in the April previous or March previous; the superintendent came to me a few days before this particular Sunday and said he was going to call the captains together on Sunday before election and read his instructions to them as to the conduct of the police at the polls; it is a printed circular covering a number of points; and he showed me the circular, and submitted the circular to me to know if I had any suggestions to make, and I read it over and said it was all right, so far as I could see; I said I would like to be present at that meeting; that was the presidential election of 1892; he said he would be only too glad to have me there, and I came down; I think I got there about 2 or 3 o'clock on Sunday afternoon; and the captains were assembled, or very soon after assembled; and the superintendent read his circular and commented on it in his way, taking up probably 15 or 20 minutes; and after he got through he said the president of the board was here, and asked me if I had anything to say; I would much preferred he had not asked me anything about it, but having been introduced to the captains I thought I should say something, and I said to the captains that the election on the following Tuesday was of very great importance to the city, there was the largest number of registered voters we had had ever before, it was of the greatest importance that it should be a quiet election, so the vote could be polled, and that I hoped they would do everything in their power to keep the best order on that day; and that I hoped that any person who committed a breach of the peace on that day, no matter who he was, whether he be a citizen or United States marshal, should be dealt with just the same and locked up, and I finished with that; and probably did not say as much as I have said here; the superintendent stood up and said that it was a very dangerous thing for the police to interfere with the United States marshal; that they had great and absolute powers under the statutes; and he thought they should be very careful not to have any conflict with the United States officers at the polls; now, that is all the conflict there was; I never said a word back, and that was the end of it.

Q. Did you not tell the captains to go on and make arrests, or not to make arrests as they thought proper, irrespective of United States marshals? A. I never said a word to the captains,

except what I describe here; I never spoke to them after the meeting was over; I never said a word to them until after the close of the election; what I said here covers absolutely everything I did say.

Q. Did you make Lieber a sergeant? A. I did, yes, sir.

Q. Did you ever hear that he paid money for his sergeancy? A. Not until it was mentioned here by Captain Schmittberger.

Q. Did you know anything about his paying money? A. Not the slightest; no, sir.

Q. Did you ever hear it said that his father, a merchant down here on Greenwich street, paid \$4,000? A. Only what was said in the testimony.

Q. Did you ever hear before? A. Never, and I don't believe a word of it.

Mr. Goff.—I have been endeavoring for many weeks to get hold of Mr. Lieber to subpoena him.

Witness.—Sergeant Fitzgerald has told me since this testimony was given that he has seen the sergeant and the sergeant is ready to testify about it and so are all the family.

Q. I haven't any doubt about that, about the sergeant being ready; but I want to know your knowledge, commissioner?

A. Well, I have no knowledge whatever, and I have no knowledge whatever that any man that I ever recommended for appointment, or officer, ever paid a dollar to anybody, and if I had knowledge I wouldn't be a party to it.

Q. It has been a matter of common notoriety and sworn to here as a matter of common rumor and notoriety, that for the past 10 years on the police force a man could not get there except by purchasing his appointment? A. Well, no man that I was ever interested in appointing could get there if I knew that.

Q. Have you ever heard the rumor? A. I have.

Q. Did you ever take any steps to investigate the truth of that rumor? A. I never could get any substantial information about it; I never did.

Q. Did you ever inquire? A. No, not particularly; I inquired of applicants of mine who came to me; I kept my skirts as clear as I could.

Q. Did you ever hear of any of your associates in your board being interested financially in men's appointments? A. Not until this committee went into session.

Q. Did you ever hear that the board and its officers were interested in the appointment of captains? A. With what, sir?

Q. That they were interested financially? A. As a board, you said.

Q. Individually, not as a board? A. I have heard the rumor that some appointments were made in that way.

Q. That some captains got their appointments by buying them? A. Yes, sir.

Q. Now hearing that, did you ever take steps to investigate the truth of the rumor? A. I never did; no, sir.

Q. Did you ever bring it to the attention of the board? A. No, sir; not as a board, the matter was not substantial enough for me to do that.

Q. Don't you think you as the head of the department, even hearing such rumors, don't you think it would be proper to call the attention of your associates to these rumors that affected the honesty as well as the discipline of the department? A. Well, it is a very difficult thing to bring up a matter reflecting on a brother commissioner unless you have some substantial information.

Q. Well, where it reflected upon a brother commissioner it would reflect upon you because of your connection with the department; and wouldn't it be better to have these rumors set at rest than to have them gain in momentum. A. It would if I were able to get the information.

Q. But you never tried to get the information? A. I never had an opportunity to get any information on that subject.

Q. Hasn't it been a matter of common notoriety in the department for the last three or four or five years that certain captains obtained their captaincy and had to pay for their captaincy? A. The commissioners are liable to hear less about it than if they were outside of the department.

Q. Haven't you heard such rumors? A. I have heard such rumors on the subject.

Q. And you never thought them of sufficient importance to call the attention of the board to them? A. I never had information enough to call the attention of the board to them; I would be glad to do it if I had any information whatever upon that subject.

Q. It has been sworn to here that the police department is rotten all the way through; what have you, as the head of the

department, to say to that testimony? A. Well, I am very sorry to be connected with the department while such testimony was brought out; that is what I have to say about it.

Q. But the evidence has been overwhelming that blackmail and oppression have been practiced by the police force of New York for the past 10 or 12 years; what have you to say to that condition of affairs? A. I say by no act of mine have I contributed to any such state of affairs.

Q. But you may be guilty of a sin of omission as well as the sin of commission? A. Well, I don't think so; nothing came to my knowledge that would make me believe that such a state of affairs existed.

Q. Can you tell this committee how it was that such a state of affairs existed while you were the head of the department and yet nothing was done by you to remedy it or to discover it? A. I can not; I suppose the same state of affairs will exist probably after we are all gone, to some extent; it has been testified here that this state of affairs existed since this committee was in session; now, the board of police had no such information; nothing of the kind.

Q. Do you mean to say that this corrupt condition of affairs could go on and continue forever if this committee hadn't come down here from Albany to investigate so far as the police commissioners are concerned? A. To a certain extent I think they could; I am sorry to say it is so in my opinion.

Q. I wish to ask you a question touching a matter that I have just passed; didn't Doherty ask you to transfer Sergeant Liebers from that precinct because he had taken Mrs. Thurow's bond? A. No, sir; he didn't. (

Q. Didn't Doherty tell you that there would be trouble about that some time and that he wanted to be relieved of the responsibility? A. No, sir.

Q. Did you ever hear of Mrs. Thurow being under bond? A. Never; until I heard it come out before the board of police.

Q. And before this committee? A. I am not sure that it did come out here first; I rather think we discovered it in our trials.

Chairman Lexow.—The testimony given here was used as the base of charges before your board.

Mr. Goff.—What you refer to is as to what Doherty charged.

Q. You say you didn't hear it before it came out on the police trial? A. I didn't know it was brought out here that the sergeant accepted Mrs. Thurow on the bond; I thought we discovered it first.

Q. No; we have the blotters here? A. Well, it was discovered against a number of sergeants that you didn't discover.

Q. No; we had all the blotters? A. There are some that we had that you didn't have, I think.

Q. Didn't you send for Sergeant Liebers after Doherty complained to you of Captain Liebers' actions and tell him to go ahead? A. I sent for Sergeant Liebers, but it was about a different matter entirely than what the captain has charged.

Q. What matter was it? A. The captain was at headquarters one day, came into my room, and said that Sergeant Liebers was becoming neglectful of his duties; as I had something to do with sending Sergeant Liebers to that precinct, because it is a German section and the sergeant was a German, I said that I would send for Sergeant Liebers and talk to him about it; I sent for Sergeant Liebers and told him that I understood that he was neglectful of his duties; I told him a great deal more that the captain had said to me, and that if he didn't attend to his duties and do better in the future that he would be transferred from there; I talked to him very sharply about it; but I never said a word to him about Mrs. Thuirow or the bond case; I never knew a thing about it.

Q. Have you stated all about that transaction now? A. Yes, sir; absolutely so.

Q. Now, with regard to the appointment of men on the police force, you have been largely influenced by the political backing that applicants had? A. All things being equal the men standing equal as regards their civil service examinations and qualifications I accepted the recommendations of my political friends.

Q. And took those men in preference in their class? A. Yes, sir.

Q. Now we have here the letters recommending such appointments, and I have a sort of a digest of those letters; we have gone over these letters very carefully, and if you wish to question our figures or computations, of course, you can take the letters yourself and compute them? A. Not at all; I am waiting to accept your digest of them.

Q. We find that from Tammany clubs and on the official papers of Tammany clubs, among these letters, there are 123 letters, the subjects of which were appointed in each case; we find that on recommendations written on the Senate paper from the Senate chamber at Albany that 15 recommendations were made to you? A. That is very small for the Senate.

Q. I beg pardon, 41? A. That is better.

Q. Recommendations on the Senate paper; we find that recommendations on the Assembly paper which were acted upon by you footed up 32?

Senator O'Connor.—Mr. Goff, do those letters give the names of the Senators?

Mr. Goff.—Yes, sir; we have them all here.

Senator O'Connor.—If you have any from me I wish you would publish it.

Mr. Goff.—How do you know that we haven't any?

Senator O'Connor.—Because I never wrote one.

Q. On the county clerk's paper, not all written by the county clerk or in his name, but by persons connected in his office and himself, there were 12 appointments made; on the sheriff's paper, by the sheriff and persons connected with him in his office, there were 18 appointments made by you; on commissioner of jurors paper and on his recommendation there were 5; on the fire department paper recommendations there was 1; on the tax department paper there was 1; on the board of aldermen paper—of course written by the various aldermen, there are 65; on the papers of the different police justices altogether there were 35; on the paper of the aqueduct commissioners, by one of the aqueduct commissioners, there was 1; on paper coming from the civil courts, signed by the justices of those courts, recommendations, there were 16; on the paper of the General Sessions nearly all of which are signed by the chief clerk of that court, there were 18 appointments; on the quarantine commissioner's paper there were 2; on the paper of the Union League club there was 1; on the Special Sessions paper, coming from the judges of that court, there were 3; from the health department, from one of the commissioners, there was 1; from the water purveyor there was 1; and the mayor 1; from the city court, on its paper, by the judges, 3; from the civil service board there was 1; from the street cleaning department on its paper, signed by the commissioner and the deputy street commissioner, there were 10; on the commissioners of charities and correction paper, mostly signed by the commissioners, chief clerk and secretary, there were 18 appointments; from the bureau of combustibles there comes 1 appointment; on the paper of the excise board, signed by the excise commissioners in most cases, and by the chief clerk and secretary combined,

there were 19 appointments; from the department of docks there appears to be 1; from the register's office there appears to be 8; from the board of education there appears to be 1; from the department of buildings, 1; from the public works, 6; from the street improvements, that is in the annexed ward, commissioner of street improvements in the annexed ward, 4; from the Manhattan Club there is 1; on papers coming from Congress, signed by Members of Congress, there are three appointments; from the Surrogate' Court, 1; from the Superior Court, 1; from the Common Pleas Court, 1; from the corporation counsel's office, 1; by the corporation counsel and the chief clerk, 6; from the chamberlain's office, 1; from the district attorney's office, 4; from the coroner's, 7; to continue the record I find that John F. Carrol, clerk of the Court of General Sessions, heads the list with 20; T. J. Campbell with 3; John D. Crimmins gets only 3; Thomas E. Crimmins, 3; Richard Croker, 3; Bourke Cochran, 1; George Sergeant Cram, 2; William H. Burke, a police justice, 20? A. You don't mean appointments, but applications.

Q. These are applications that I am reading now? A. These were applications for appointment.

Mr. Goff.— Yes.

Chairman Lexow.— In which appointments have been made.

Mr. Goff.— No; the others were the appointments. These are the applications.

Q. From Alderman Brown, that is the alderman of this district, I believe, 21 applications; Alderman Bailey, 2; Joseph Blumenthal, 2; he is in the tax department, isn't he? A. He is now commissioner of taxes.

Q. From Daniel E. Finn, 2; from Maurice Featherstone — he is a district leader? A. He is water purveyor, I believe.

Q. From E. J. Fitzpatrick, 7; he is a district leader? A. One of the coroners. |

Q. From Samuel J. Foley, 5; he is a member of Assembly? A. Yes, sir. |

Q. From James Fitzpatrick, 4; he is a district leader? A. He was, but he is dead, poor fellow. |

From R. P. Flower, 2? A. I would be glad to give him 2 more.

Q. From George Ehret, 3; that is the brewer? A. Yes.

Q. From Thomas J. Dunn, 11; he is a district leader? A. Yes, sir.

Q. From Alderman P. J. Dooley, 14; he is a leader, too? A. Yes, sir.

Q. William Dalton, 17? A. Yes, sir.

Q. That is the excise commissioner, is it not? A. Yes, sir.

Q. From Morris Dinkelspiel, 4; John C. Munzinger, 5? A. Yes, sir; that is a good while ago; and he was in good standing at that time. |

Q. He has not written any since he has gotten into bad standing? A. No, sir; nor for a long time before it.

Q. By the way, speaking of Munzinger, you remember that Munzinger is under indictment? A. Yes, sir.

Q. For extorting money from Lucy McCarthy, for the sum of \$500? A. Yes, sir. |

Q. Did you ever hear it stated in connection with that matter, that he divided the money with the police captain of that district? A. No, sir; I didn't. |

Q. Did you ever hear it stated, or hear it stated by Lucy McCarthy in her testimony, that it was on the recommendation of the police captain of that district that she hired Munzinger to act as her lawyer? A. I don't think I ever saw that testimony.

Q. Did that subject ever come up before the police commissioners touching the Lucy McCarthy extortion? A. No, sir.

Q. Well, here was a fact brought out by an indictment of the grand jury of this county indicting a lawyer and another man named Beardsley, I think? A. Yes, sir; I think, Beardsley.

Q. For conspiring to extort from the keeper of this house of ill-fame, \$500; did the board of police commissioners call the captain of that precinct to account for allowing that house of ill-fame to exist in that precinct? A. The board of police never had any such information. /

Q. But the information was published as matter of record? A. Yes.

Q. An indictment by the grand jury, and these men gave bail to answer; that was information? A. Well, her house was closed.

Q. But was the police captain of the precinct ever called to account for allowing that house to exist? A. I understood the house was closed at the time.

Q. But it was not closed at the time that she paid her \$500? A. I understood it was; that was my opinion about it.

Q. I know, but what I want to get at is: here was a public record with which not only all citizens are charged with knowledge, much less officials; I want to know if the board of

police commissioners ever took any action on that case? A. No, sir; the matter never came before the board; I understood the house was closed; I understood she paid this money to have it opened.

Q. The facts were that she was arrested, and after being arrested she was told that if she would give \$500, she would get out of the case made against her in court, and that the \$500 were divided between three persons, namely, between Munzinger, the police court clerk, Conny Smyth, and the police captain of the precinct? A. I never heard that the police captain of the precinct ever had anything to do with it.

Q. I beg pardon? A. I say I never heard that she testified that the captain had anything to do with it; if that is so the district attorney ought to have sent that information to the board; I never knew it.

Q. But wasn't it the board's duty, in the face of an indictment against two men, that they should have called upon the police captain of that precinct to answer why that house was allowed to exist in his precinct? A. I understood that the house was closed and that this money was given to permit her to open again; that is the way it came to me.

Q. Well, it came to you erroneously; as a matter of fact the board of police commissioners never took any action in that case? A. No; we never knew what was testified to before the grand jury.

Q. But it was a matter that the press printed at the time? A. Not in that way, sir.

Q. I think you will find it so? A. If it was so printed in the papers at that time, we certainly would have taken it up.

Q. Now, here is a letter of recommendation coming from J. W. Hinckley, the chairman of the Democratic State committee, isn't it? A. Yes, sir.

Q. Three applications; but there is one letter here on the paper of the Murray Hill hotel; "Honorable James J. Martin, president, board of police. Dear Mr. Martin.—I would like very much to have this man, John R. Horton, passed in the examination; please help him." Do you remember what was done with Mr. Horton? A. Nothing, only to give him an opportunity to file his application just as it is there.

Q. This was a peculiar letter? A. I never heard of him before or since; and I paid not the slightest attention to it.

Q. This was a peculiar letter, that he would like you to help him in passing the examination? A. Well, I didn't help him; I had nothing whatever to do with it.

Q. I will not take up the time by reading the names, but I find the names of all the district leaders here, in addition the names of citizens who are not district leaders and haven't been; for instance, Senator George F. Roesch, puts up 21? A. Well, he was at the head of the district organization at that time.

Q. That is what I say? A. Yes, sir.

Q. Then there is George W. Plunkett who runs up to 30; here is a letter from Mr. Sulzer:

"Tammany Association of the 14th Assembly District,
East Fourteenth Street.

New York, March 1, 1890.

"My dear Commissioner.—This will introduce to you Mr. John Murphy of whom I spoke to you about on Friday. He is now on the eligible list for appointment on the force, but as his average is low, he wishes a letter from you to Commissioner Ackerman to pass a new examination at once, as he will be in the next requisition. His appointment will help our organization.

"Very truly yours,

"WILLIAM SULZER."

A. I gave the candidate a new application paper, I suppose, on that, if my indorsement is on the face of the letter.

Q. Yes; your indorsement is on the face of the letter? A. That means that he was permitted to file an application.

Q. Because it would help the organization? A. I suppose so, yes, sir; I plead guilty to that.

Q. This letter:

"Flower & Company,
52 Broadway and 5 Exchange Place,
New York, October 17, 1890.

"James J. Martin, Police Commissioner:

"J. M. Fitzgerald of Jefferson county, the bearer, who has been on our Democratic county committee for five years, wants to be a policeman. If you can aid him I would be obliged to you.

"Yours truly,

"R. P. FLOWER."

So that, Commissioner Martin, you were not alone subject to the local politicians but you were subject to the Jefferson county politicians for favors? A. And other counties also.

Q. And so it comes to pass, Commissioner Martin, that the police force of New York has been made almost the stamping ground for applicants from all parts of the State? A. From both parties, yes, sir.

Q. From both parties? A. Yes, sir; candidates naturally go to public men for letters to the commissioners; it is very natural, I think.

Q. Now, Commissioner Martin, I learned from General Miles the other night that the police force at the World's Fair in Chicago was organized by Col. Rice of the regular army and that Colonel Rice made it a rule in organizing that force that he would not accept a letter of recommendation from any man in public life, and the result was that he got the best police force that was ever on this continent; what have you to say as to the contrast between the New York police force and that organized by Colonel Rice? A. Well, I am inclined to doubt the statement of the gentleman very much.

Q. General Miles is a soldier of national reputation, and he told me that? A. I will not doubt the statement of General Miles, but I doubt the statement of any man who made that statement to him.

Q. Possibly you misunderstand me; Colonel Rice was a member of General Miles' command, a colonel in the regular army, and by permission of the war department General Miles assigned him to do this work of organizing the police force at the World's Fair, and it was General Miles' own knowledge that that rule was adopted and that it was adhered to throughout the organization of that police force; and he said it was the best organized police force that was ever on the American continent; now I ask you to contrast that with the manner of organizing the police department in the city of New York upon the recommendation of public men of all political parties throughout this State and over all parts of this State to get applicants on the police force? A. I say as to the physique and intelligence of the police force of New York that it could not be excelled by any organization formed by Colonel Rice or anybody else, as a force.

Q. We have it here in evidence that as to their public morality it would be a difficult thing and an impossible thing to find in any city of the civilized world such a depraved lot of men as constitute the New York police department? A. Well, they haven't had investigating committees in other places as yet.

Q. I said I wouldn't read another letter, but I will have to break my promise, because there is one here which, if for nothing else but the penmanship, I would like to exhibit to the committee and to the representatives of the press.

The letter is in typewriting with a printed heading: "John Sergeant Cram, counsellor-at-law, William street, New York, December 14th. Hon. James J. Martin. My Dear Commissioner.—I write to ask as a personal favor that you send the bearer, J. F. Brady, who lives at No. 152 West Thirty-seventh street, in my Assembly district, to the civil service examination. He is an applicant for the position of policeman, and I think when he is on the eligible list I think I can get one of my friends to appoint him. He is now employed as assistant foreman in Patrick Ryan's box factory." That is the Ryan that paid blackmail to the police. A. And didn't know which captain he paid it to.

Q. Well, commissioner, I wouldn't have said anything but for your suggestion; he did not know who he paid it to? A. But he didn't testify to it.

Senator Bradley.—He did.

Q. He did, and we had his checks here? A. Well, I understood he paid it to Captain Stephenson and our investigation afterward discovered that he wasn't in the precinct.

Q. Well, Captain Stephenson is in misfortune now, and I do not want to say a word to add to that misfortune; but Ryan knew to whom that money was paid; I will tell you that? A. Well, it has not come to us as yet, Mr. Goff.

Q. We don't get the whole truth from every witness who goes on the stand unfortunately; I discovered, I may say, that there was a tie of relationship between Ryan and a police captain; the letter goes on to say: "At the corner of Morton and Washington streets and is a man of unusual intelligence. He is also sober, honest and industrious. I will consider it a personal favor if you will send him to the examination, and will explain more fully when I see you why I am interested in him.

"Yours sincerely,

"J. SERGEANT CRAM."

Now, this is the explanation; you see the letter is typewritten and at the foot there is written in a sort of a cross between old English and German characters: "He is a T. H. Democrat."

Well, Mr. Commissioner, it has been sworn before this committee that captains of precincts collected money regularly assessed and levied on houses of prostitution, policy shops, gambling-houses, pool-rooms, push-cart peddlers, lumber merchants, merchants who occupied the sidewalk with their wares, sailmakers in lofts 40 feet above the sidewalk, bootblacks on the corners, Greek flower peddlers, Italian fruit venders, dry-goods millionaire merchants, soda water fountains and almost every conceivable industry in our great city, and that that has flourished for years; can you say as the head of the police department that such practices could have gone on without your knowledge? A. Yes, sir; they did go on without my knowledge.

Q. It has been further testified to here that money was being collected for the purpose of paying for a police captain's appointment, and that that money was handed over; could such practices have gone on without your knowledge as head of the police department? A. Yes, sir; it has gone on; I never knew the first thing about it.

Q. It has also been sworn here that captains paid to their inspectors a portion of the corruption fund which they collected in their several precincts for years; could such things have gone on without your knowledge? A. It could, yes, sir.

Q. And they did? A. Well, I won't say that; the evidence has not been brought to me as to that.

Q. It has been sworn to here? A. But I say it has not come to me as a commissioner of police.

Q. Did it ever occur to you in reading the public press of police captains becoming wealthy and investing largely in real estate; did it ever occur to you to investigate the officers of your department and find out where they obtained the money to buy such costly real estate? A. My attention was never called to such things as that, that captains were investing in real estate.

Q. I remember reading in the New York Sun, for instance, a column headed, "Thrifty police captains," in which figures and illustrations of the houses that they had recently bought were given; has that been brought to your attention? A. No, sir; I never saw that article; I am a constant reader of the Sun, too.

Q. Evidently the Sun did not shine to you? A. I usually read it every day.

Q. It has been testified to here that you protected a disorderly house from interference by Captain Schmittberger, Mrs. Sadie West, and that you compelled Captain Schmittberger to send an officer there to apologize to her; how did you come to interfere to protect Sadie West? A. I didn't interfere to protect Sadie West; I interfered, as I have stated already, at the request of a friend who I know very well, who was a member of my club, and whose name I am ready to give if the committee thinks I ought to do it.

Q. It is a question for you more than it is for the committee; why should you, a police commissioner, interpose your official character to either protect or defend or interfere in any way with a police captain who was enforcing the law? A. I did not interfere; I told the captain just the statement that this gentleman had made to me; I told the captain that he wished he would investigate it, look into the matter and see if it was true; that if the statement that was given to me was true, that the police officer had no business at that house, and the captain came back and told me that my statement was true, that the information given me was correct; now that is the truth of it, absolutely so.

Q. Wasn't it sufficient for a police captain to know that a police commissioner was interested? A. No, sir; I told him expressly at that time—

Q. Did you tell him who requested you? A. I did not; I told him that a gentleman friend in the club had told me so, and I said, "Now, captain, I want you to look into this matter, and see if this statement is correct; if this house is improper, I do not want to have anything to do with it; you go and do your duty."

Q. The captain swore that you compelled him to send an officer there to apologize to Sadie West? A. The captain swore to what was untrue. ;

Q. Have you any reason to base that upon any animosity to you by the captain? A. Well, I am inclined to think so; yes, sir.

Q. What is the cause of the animosity? A. At the time that Captain Schmittberger was in command of the steamboat squad, when he was first made a captain, I interfered on behalf of Officer De Gann, who was a witness here, to inquire why he had

been transferred from the French line pier; the officer came to me, and stated that he had been there for years; that he spoke French; that the officers of the line were in favor of his remaining there; and that he was transferred to the East river, somewhere near the Fish Market; I made some inquiries about it; I spoke to the then superintendent of police, who was Superintendent Murray, if I remember correctly; and notwithstanding all that I did this officer couldn't get back there; he didn't get back there; the captain knew that I was interested in the officer; knew that I was interested in Officer De Gann; that I was interested to see that he was properly treated.

Q. Is it possible that a police captain could defy a commissioner? A. I don't see any reason why he couldn't; yes, sir.

Q. But the commissioner is the head of the department? A. This man didn't get back; I was enlisted in his favor; I believed that he was improperly removed at the time.

Q. Wasn't it your duty to investigate the matter and restore that man if he had been improperly dealt with? A. I left it to the superintendent, and he said the man was removed for good reasons given to him by the captain; the captain told him something else; I didn't know the officer was removed for failing to give the captain money, or anything of that kind, of course; the captain said he was removed for some neglect of duty.

Q. Then it is a fact that you leave the whole executive work of the department in the hands of the superintendent? A. Well, to a great extent; almost entirely so; yes, sir.

Q. Is it not a fact also that if, under these conditions, the superintendent fails in performing his duty, that the responsibility rests upon you? A. Yes, sir; that is true.

Q. Can you say if the superintendent has failed to perform his duty now in the light of all the events that have taken place, and in the light of your knowledge as derived from the testimony taken before this committee? A. Can I say whether he has performed his duty?

Q. Whether he has failed to perform his duty? A. I haven't anything to say about that; the superintendent seemed to be vigilant and active in every matter that was brought to his attention.

Q. Don't you think that if you had performed your duty, and the superintendent had performed his duty, that the lamentable condition of affairs testified to have existed in the police depart-

ment for years, and particularly under your administration, could have been prevented? A. Well, I can only speak for myself; I certainly never contributed to anything that has developed here.

Q. I am not questioning that, commissioner; but I ask you again, if you had performed all your duties, and if the superintendent had performed his full duty, don't you think that the lamentable condition of affairs sworn to exist here in the police department might have been prevented? A. Well, I can not answer that question.

Q. Why? A. Well, I can not hold the superintendent responsible for these affairs; I haven't any evidence that he is responsible.

Q. But he is your inferior or your subordinate? A. I understand that, but he may have proper explanation to offer on that subject.

Q. But we want your idea as head of the department; we want your idea that if the condition existed that I have stated—speaking of you as the board of commissioners; I do not speak of you individually, but as the board of commissioners—if the board had performed their full duty and if the superintendent had performed his full duty, do you think that this terrible condition of affairs could have existed in the police department? A. Well, that is a very hard question to answer.

Q. Well, was there friction between the administrative branch of the department and the executive branch? A. No, sir; there is not.

Q. If there has been no friction, then the administrative part of the department and the executive head of the department must have worked in unison? A. Yes, sir.

Q. And in conformity? A. Yes, sir.

Q. Now, they having worked in unison and in conformity, each branch trying and endeavoring to do its full duty, do you yet hesitate to give an expression of opinion as to whether or not the bad or rotten condition of affairs in the police department could not have been prevented or cured? A. There never were any facts submitted to the board of police bearing on those matters.

Q. But since the board of police have the absolute power touching the discipline and rules of the department, if they had exercised that power in good faith, couldn't they have

prevented the terrible condition of affairs from existing that has existed in the department? A. Well, I don't think as a board that it could.

Q. As at present constituted? A. As at present constituted, or as has been constituted since my time.

Q. But, if we went along, commissioner, under the present system, and assuming that the Lexow committee had never existed, the same condition of affairs would have existed in the police department and continue to exist? A. Well, I am very much afraid it would; we have had changes in the department within a year; they are active, vigilant commissioners, endeavoring to do their duty, and still it has been shown here recently, by testimony, that these things have existed right to up within a few days.

By Chairman Lexow:

Q. Would one commissioner be able to solve the problem any better than the allied judgments of four? A. I don't think he would; I think one commissioner of police at the head of the department would be so busy that he wouldn't know what was going on.

By Mr. Goff:

Q. Well, commissioner, that is a question, of course? A. I say that one commissioner of police would be physically unable to attend to the duties of the department.

Q. And yet the secretary of war is able to attend to the great duties of the war department of the United States? A. That is very true; but he may not know all that is going on.

By Chairman Lexow:

Q. According to your statement you have left the attention of all the executive business of the department to the superintendent? A. Yes, sir.

Q. Now, he substantially represented a one head commissioner for all the executive duties of the force? A. That is true.

Q. And he has not been able, apparently, to eradicate this corruption, has he? A. No, sir; he has not.

By Senator O'Connor:

Q. Isn't the fault of this your having too much confidence in your officers? A. We have had a great deal of confidence in the police force up to these disclosures; I must say that I had great confidence in them.

By Chairman Lexow:

Q. What we of the committee can not understand is this: that notwithstanding the prevalence of these rumors for years passed for the purchase of promotions, purchases of commissions, for captaincies, and the general blackmail levied throughout the city which had been an open secret for years, that the commissioners have not taken some active, energetic course to get at the bottom of the facts? A. I don't think the commissioners heard as much about it as people outside.

Q. It has been printed in the newspapers, hasn't it? A. No, sir; it has not; I certainly heard a great deal more about it before I was connected with the police department than I have since.

Q. What I can not understand is, for instance, is, when you heard as you did hear, as you say, that commissions for captaincies had been made the subject of barter and sale that you didn't in an official communication to the superintendent draw his attention to that fact and ask him to investigate authoritatively in to that subject; why hasn't something of that kind been done? A. Well, it never came to me in sufficient form to warrant me in doing that, to allege that any officer had paid for his appointment.

By Mr. Goff:

Q. As a question of lack of discipline in the department, I will take the case of Captain Slevin, tried the early month of this year before the police commissioners? A. Yes, sir.

Q. Tried for failure to suppress houses of evil resort in his precinct? A. Yes, sir.

Q. No decision has been rendered in that case yet? A. No, sir; I want to explain why; there were changes made in the commission just about the time the Slevin case was closed; Commissioner MacLean went out of the board; a new commissioner came in; shortly afterward another change took place owing

to the resignation of Commissioner McClave, and in that way that case has been delayed and has not been decided; that is the reason for it.

Q. But, Commissioner Martin, then if that condition of things continues, those cases will never be decided? A. I believe the case is before this committee and has been for sometime passed; it has been subpoenaed here.

Q. The case of Captain Richard O'Connor the same? A. Captain Richard O'Connor's case was tried at that time and the evidence was very meagre; in fact, there was no evidence at all.

Q. It was only the failure of the commissioners to act? A. We held that case because Captain O'Connor's wardman, Officer Sheridan, was indicted, and we expected that on his trial some additional evidence would be procured that would warrant us in introducing it into the captain's case; that is the reason that case is held; the counsel that is representing these people, Mr. O'Neill, knows all about it; and that it was the proper thing to do, he thought, to hold the decision in the O'Connor case and wait for additional evidence.

By Senator Cantor:

Q. Do I understand that your commission has not the power to issue a subpoena or to enforce appearance under a subpoena unless specific charges are made against an officer? A. We have power to issue a subpoena, but it is very little use after it is issued.

Q. But not to compel the attendance of witnesses? A. Not to compel their attendance.

Q. If the law was amended for the purpose of enabling you to issue subpoenas, and examine into rumors, would that tend to help you? A. That would be very valuable indeed.

Q. With power something similar to this committee? A. That is right. }

Senator O'Connor.—Is that the fact, Mr. Goff, that if the board issues a subpoena they have no power to compel the attendance of witnesses?

Mr. Goff.—I think that is the case of people outside of the department. }

Senator O'Connor.—Then it would be very difficult to do anything substantial until they got that power.

Mr. Goff.—I think that is the law. I do not know that the question has ever been decided by a court of high jurisdiction, but I think that is the fair construction of the law.

Senator O'Connor.—You think that any commission that is constituted by a reorganization, if there should be one, ought to have that power, do you not?

Mr. Goff.—Touching offenses committed by policemen?

Senator O'Connor.—Or touching charges that through improper influences they had procured promotions, or anything that goes toward the discipline of good standing of the force.

Mr. Goff.—It looks so.

Chairman Lexow.—And that they ought to be able to do that without specific charges against anybody as a foundation for a proceeding?

Mr. Goff.—That the proper commission or commissioner ought to be invested with the powers of a committee of investigation.

Witness.—And the board ought also to have a counsel there continually to pass on evidence and obtain evidence.

By Mr. Goff:

Q. You said you were prepared to give the name of the man who requested? A. Yes, sir; if the committee wants it.

Mr. Goff.—I do not feel, Senators, that there is any necessity for that. If you think otherwise, I am perfectly willing.

Chairman Lexow.—No, I think not. We do not want to drag private characters into the mire.

Q. Well, the captain that we spoke of testified that you told him not to interfere with certain houses of evil resort in the neighborhood of a public school in Forty-sixth street, is that true? A. That is not true.

Q. Did you ever speak to him about the school? A. Never spoke to him about the school or the houses in the block.

Q. Do you know of any reason why he should commit perjury on that point against you? A. I do not at this time; the only time I ever spoke to him about the houses in that neighborhood—I live in Forty-eighth street myself—I spoke to him about a house in Forty-seventh street at the request of the residents of that block, headed by Mr. Joseph Dillon, a painter and decorator on Sixth avenue near Forty-sixth street; at their request I spoke to the captain about that house, that he should put himself in communication with those citizens and do all he could to comply with their request to get rid of that place.

Q. We ask you in our letter and also in our subpoena if you would produce before this committee your bank-books and certificates of deposit? A. Yes, sir.

Q. Are you ready to do so? A. Yes, sir.

Q. Tell us what bank-books you are ready to produce? A. I have two bank-books, one in the Empire State Bank corner of Bleecker street and Broadway, and the other is on the Union Trust Company.

Q. Have you any objection to telling us the amounts of your deposits? A. Not the slightest.

Q. Tell us, please? A. I have in the Union Trust Company something like \$8,100 of which I think about \$600 is interest.

Q. And in the Empire State Bank? A. I had something like \$996 at this time.

Q. Does that represent all the bank deposits that you have now? A. Yes, sir.

Q. Does any one hold any bank deposits for you in trust? A. No, sir; they do not.

Q. Or under any arrangement whatever? A. Nor under any arrangement whatever.

Q. Have you a bank account in any person's name, fictitious or real? A. I have not.

Q. Did you ever have such? A. Never.

Q. Have you changed or closed any bank account since the commencement of this investigation? A. I have not.

Q. What real property do you own? A. I own a house in West Sixty-fourth street where my sister and her family lives, which I purchased in the beginning of 1887.

Q. What year did you go into the commission? A. In 1889; I purchased that house because my sister was living in it at the time, so that she might have a home.

Q. How much did you pay for that house? A. Ten thousand dollars.

Q. Do you own any other real estate? A. I own the house that I live in.

Q. When did you buy that? A. In 1892.

Q. How much did you pay for that? A. Twenty-five thousand dollars were paid down at the time, and there is a mortgage of \$10,000.

Q. Where did you get the money that you used in the purchase of that house? A. I had the money at the time, accumulations that I had saved from time to time.

Q. How long were you on the police commission when you bought that house? A. I was appointed in May, 1889, and this purchase was made about March or April, 1892.

Q. That was about three years? A. That was about three years; yes, sir.

Q. Where did you keep the money that you had at that time with which you purchased that house? A. I had the money which I had transferred from the Empire State Bank, from time to time, to the Union Trust Company, and I drew my check on the Union Trust Company for the amount, \$15,000.

Q. Did you derive that \$15,000 from your savings during the years that you were a police commissioner; that is three years? A. To some extent; yes, sir.

Q. What was your salary during that time? A. Five thousand dollars.

Q. What were you able to save out of a salary of \$5,000? A. I think I have saved during my time there close to \$2,000 a year.

Q. Are you a man of family? A. No, sir; I am a single man, living with my sister.

Q. Keeping house? A. With my sister, keeping house for me.

Q. And you say you lived upon \$3,000 a year? A. Yes, sir.

Q. And you saved about \$2,000? A. Yes, sir; close to that.

Q. Where did the balance of the money come from? A. Money that I had previous to going into the department at all.

Q. Your books show that you had that money? A. Yes, sir.

Q. In the Empire Bank? A. Yes, sir; and in the Trust Company.

Q. Have you brought those books with you? A. I have; yes, sir.

Q. Will you allow me to have them, please? A. Certainly; yes, sir. (Witness hands books to Mr. Goff.)

Q. These are two bank-books and two check-books? A. Yes, sir; they are all I have.

Q. Covering the period of time since you have been a police commissioner? A. No, sir; they don't; the bank-books do, but the check-books don't.

Q. The bank-books cover the period of time since you have been a police commissioner? A. Yes, sir.

Q. And all the bank accounts that you have had? A. Yes, sir.

Q. Did you have any certificates of deposit? A. I have not.

Q. Do you hold any bonds or mortgages? A. I do not.

Q. In your name? A. I do not.

Q. Or in any one else's name? A. Or in any one else's name.

Q. Have you got money invested in any private enterprise?

A. I have not.

Q. Has any business house or firm of yours in trust or on loan? A. No, sir; that is all the money that I have in the world, that I have told you.

Q. Does any person hold any money or property of any kind of yours in trust? A. No, sir.

Q. Or on a secret understanding to hold it for you until this investigation blows over? A. No, sir; never had any such property.

Q. You will allow me to retain those books, commissioner? A. Certainly.

Q. You will hold yourself in readiness to-morrow to come before this committee in case we should desire to put to you further questions? A. Any time the committee wants me I am at their service.

Mr. Goff.—Is Senator Pound here?

Chairman Lexow.—He has gone, Mr. Goff.

Mr. Goff.—Here is a letter from Edgar S. Morley, chairman of the Democratic county committee of Lewis county written from the headquarters of the Democratic executive committee of Lewis county, recommending the bearer by the name of John Collins as a man worthy in every respect, a life-long Democrat and an effective worker for his party in Lewis county. He has the indorsement of the most influential Democrats in his town, and it was by the means of the earnest devotion of such men as Mr. Collins and his friends that two years ago (this is March 25, 1892), Lewis county has been redeemed from the colored brother and has since been in the Democratic fold.

Witness.—It has gone back, though.

Mr. Goff.—If Democrats are to be rewarded for party services, Mr. Collins should have recognition, redeeming the county from the colored brother.

Mr. Goff.—We will take an adjournment now, Mr. Chairman, until to-morrow morning. If there are any witnesses here under subpoena will you ask them to be here?

Chairman Lexow.—All witnesses here under subpoena will attend again to-morrow morning at half-past 10 o'clock. The committee stands adjourned until that time.

Proceedings of the seventy-fourth session of the committee, Saturday, December 29, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, Jacob A. Cantor and Daniel Bradley. John W. Goff, Frank Moss and W. Travers Jerome, of counsel for the committee.

Mr. Goff.—Mr. Chairman, there is present this morning Mr. Mott, assistant United States district attorney for the southern district of New York. Mr. Mott's name was mentioned by the witness Streep, the other evening while giving his testimony. The Senators will remember that as soon as Streep testified to having been told certain things by Bechtold, in which Mr. Mott's name was mentioned, I immediately stopped the witness and there and then asked that that matter be stricken from the record. I stated then as I state now, that Mr. Mott was well known and an esteemed member of the bar of this city for a great number of years; he was held in esteem by every one who knew him, and in which esteem I participate. I had every faith in his honor and integrity, both as a citizen and as a lawyer, and I did everything in my power as soon as the language dropped from the lips of the witness Streep, in relation to what the man Bechtold told him, and moved at once to have that stricken from the record. Mr. Mott is in court this morning, and of course he naturally feels hurt. I have assured him that neither the committee nor counsel had any knowledge of that portion of the witness's testimony, and the moment it was given we did what was in our power to do, all of us; and while it is not before the committee officially, his testimony was alleged hearsay testimony, yet it has gone out in the public prints, and I take pleasure in introducing Mr. Mott to the committee this morning, and request the committee to hear whatever Mr. Mott may wish to say.

Chairman Lexow.—The newspapers have not reported the entire situation. The evidence was stricken from the record yesterday for two reasons—one, because it did not come

within the scope of the resolution under which the committee is acting, and secondly, because we did not believe the testimony. That was distinctly stated yesterday, and it would seem to me that that would cover the whole of the situation.

Mr. Goff.—In addition to that, as I stated yesterday, on the giving of the testimony the committee immediately struck that part of it out which referred to Mr. Mott.

Chairman Lexow.—Immediately.

Mr. Goff.—But notwithstanding that, I think it but fair and courteous to Mr. Mott, a gentleman of his well-known character and standing in this city for a great number of years, he having come here as a gentleman this morning—and it has always been our endeavor to afford courtesy where we possibly could, both the committee and counsel, to persons who have come to this committee as gentlemen.

Chairman Lexow.—After Mr. Mott understands that the committee authoritatively placed on record yesterday its disbelief of the testimony, and after the committee refused to hear Mr. Comstock upon that proposition, it having rejected the testimony as unworthy of belief, it does not seem to me that it would be quite fair to allow Mr. Mott to make a statement, and to deny the same privilege to Mr. Comstock. I should think that Mr. Mott would be satisfied with the declaration on the part of the committee that they did not believe the testimony impeaching him.

Senator O'Connor.—As matter of fact there was not any testimony; he simply stated what another man told him.

Mr. Goff.—Mr. Mott's name having been mentioned, the counsel and committee did everything in their power and struck it from the record on my motion by express and official direction.

Senator Lexow.—If Mr. Mott, in view of these circumstances, still wishes to say anything, the committee will hear him, although it does not seem quite fair to Mr. Comstock to do so.

Mr. Mott.—Mr. Chairman, and you, gentlemen of the committee. You say you have stricken from the record the testimony that was taken. What does that amount to? Your record is nothing now but a smudged record. If you have wiped it out all well enough. So far, as it is concerned you have destroyed the paper upon which it was written; but before I knew on Thursday at 9 o'clock at night that my name had been brought before this committee, the whole universe knew it. I was ignorant of it. The lightning

nashed from north to south and from east to west, above the ground and beneath the earth, under the ocean even, that one of the officers of the Federal government of the United States had committed a crime for which he ought to be behind the prison bars. Now, did anybody know here what that man was going to testify to?

Senator O'Connor.—No, member of the committee did, and I don't suppose counsel did.

Mr. Mott.—If they did know, then they ought to have inquired in regard to the truth or falsity of that statement.

Chairman Lexow.—If you are going to conduct your remarks on these lines you will have to be called to order. The counsel for the committee has stated both for himself and the committee, that neither the committee nor himself had any knowledge of the testimony that would bring your name in upon the record of this committee. That ought to be sufficient for you. You must limit yourself to denial of the charges; that is all. We will not hear anything more than that.

Mr. Mott.—Deny a charge that was made here by a convicted criminal; a man who is now sentenced to imprisonment!

Chairman Lexow.—Mr. Mott, you are here for the purpose of denying, if you choose, the charge that has been made, and which has been erased from our record. We will not permit any oratorical display, any rhetorical fireworks here before this committee. You may make as a witness your denial of the charge, and that is all.

Senator Bradley.—He is not a witness; he is not sworn.

Mr. Mott.—I do not think you have a right to make that remark. I have the rights of a citizen as well as you. You had no right to let a felon come here and condemn me, and I have a right to come here.

Chairman Lexow.—Mr. Mott, you will limit yourself to a specific denial of the charges made by the witness, or else you will be quiet, sir, in this room.

Mr. Mott.—If you don't want to hear what I have to say —

Chairman Lexow.—A denial of the charges we will hear. We will allow you to put on this record a denial of the charge in such way as you please, but not argumentative.

Mr. Mott.—I will not disgrace myself by submitting to you such a statement.

Mr. Mott then leaves the room.

Frederick W. Martens recalled, and testified as follows:

By Mr. Goff:

Q. Captain, how is Mrs. Martens this morning? A. She is very sick.

Q. Captain Martens, I do not propose to examine you upon the main questions as long as your wife has been kept out of the way? A. She was down here the other day.

Q. When you saw that Inspector Williams was on the stand and heard other witnesses excused Mrs. Martens was in court, but she was not here in obedience to the first subpoena? A. Mr. Goff, it was an impossibility.

Q. She went to Northport and you promised to have her here three or four times and she did not come here? A. Under the circumstances I could not.

Q. You have been accused of corrupt practices before this committee, and counsel for very good reasons wanted to examine your wife and you have kept her out of the way of this committee? A. Not at all, sir; if I had known her condition the other day I should not have brought her here.

Q. You a public officer, publicly accused of having committed official crime and been guilty of corrupt practices, when your wife was served with a subpoena, if you were an honest man — A. She was not served with a subpoena.

Q. Now, I do not want to enter into an altercation with you, I know she was, and when I asked you in this court-room — A. Please excuse me —

Q. Will you listen to me; when you found out that your wife was wanted she conveniently left for Northport to attend to a brother-in-law; when I told you it would be necessary for you and to your case that your wife should be examined first, if you were an honest man you would have had your wife here under any circumstances to clear your name? A. I am an honest man, Mr. Goff.

Q. I know you can say that; I do not propose to go through the farce of examining you, unless I have got the evidence in the proper way that I want; you stand here on an accusation made openly of purposely keeping your wife off this witness chair in order to save yourself? A. No, sir.

Q. The facts are so; you stand under that accusation? A. If you knew the condition of my wife you would not bring her down here yourself.

Q. She was in good enough condition to go to Northport? A. If I had known her condition when I brought her here I wouldn't have brought her.

Q. Why did you allow her to go to Northport? A. She was all right when she went to Northport; I brought her down here the other day and it may turn out seriously.

Q. She will not remain sick, I hope, always? A. I hope not, for the benefit of the family, and you as a married man, if you knew her condition, would say she ought not to be here.

Q. I do not purpose to condescend to discuss matters with you at all; I am simply dealing with you as a public official.

Chairman Lexow.—That is all, captain.

Mr. Goff.—Is Captain Meakim here? (No response.)

Mr. Goff.—I tried to serve him again last night, but could not get access to his house; he was again reported sick. Captain Meakim has been accused before this committee as being the principal police captain in the city of New York who has protected the green goods swindlers in every precinct in which he has been. The green goods men have removed from one precinct to another after him in order to obtain protection. They flourished in his precinct. He has received money from them as sworn to before this committee. And worse than all, he bought off witnesses and paid money to purchase the witnesses off, and obtained green goods steerers and bunco men to obtain those witnesses, paid his money to get the affidavits of those witnesses to clear himself. Now, when he has an opportunity to clear himself, Captain Meakim is not here. Captain Meakim has the reputation of being the richest police captain on the force. It has been sworn to that three servants attend at the door of his house. He lives in a house that cost \$25,000; his wife owns another house that she bought recently for \$13,000; has held a mortgage for \$10,000 on other property. I openly charge him here that he has had patrolmen in his precinct, carpenters and painters, policemen of the city, and that while they were being paid by the citizens of New York, they were working on Captain Meakim's country house at Tarrytown. I am not prepared to say from reports of records what his country property is worth, but I know the fact that he has employed policemen. I

state also the fact that a wardman of his who did the collecting for him among the green goods men is in Bloomingdale Insane Asylum suffering from paresis, and he drew his pay regularly every month on the rolls of the department.

Is Captain Ryan here?

Captain Ryan.—Yes, sir.

Thomas M. Ryan, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. Have you ever drawn any money from banks, captain?

A. Not that I recollect; I think not, except when I bought that house my wife owns; that was in '80.

Q. What year were you in the Fifteenth precinct? A. '92.

Q. How much money did you draw out at that time? A. I think it was \$1,500.

Q. Out of what bank? A. I think it was the Emigrants Bank; I am not sure.

Q. Where is the Emigrants' bank-book? A. I took out all the money that was there and I have no book.

Q. When was that? A. Eighty, I think.

Q. Have you drawn any more money out, except that money? No, sir.

Q. Have you brought to me all the bank-books representing all the accounts that you had in the year 1892? A. I have, sir.

Q. Either in your own name or in any one else's name as trustee for you? A. I have; that money that is there for my wife is in trust for her.

Q. I know, but it is your money? A. She put it in herself, except the first deposit, every dollar from time to time.

Q. I don't want to talk about that; I want to know if you have now produced every bank-book in which you had an interest, directly or indirectly, during the year of '92 A. Yes, sir; I have.

Q. Had you an account, in the bank of deposit during the year of '92? A. In what bank?

Q. In a bank of deposit? A. No, sir.

Q. Or in a trust company? A. No, sir.

Q. Did you ever have an account in a trust company? A. Never had.

Q. Did you ever have a certificate of trust? A. Never had.

Q. Did you ever have money on deposit with any private person or firm? A. Never had.

Q. Do you own any United States bonds, Captain Ryan? A. I do not.

Q. Did you ever? A. Never did.

Q. Do you own any railroad bonds? A. I do not.

Q. Did you ever? A. Never did.

Q. Or mining bonds? A. Never did.

Q. Or any one for you? A. Not anybody for me.

Q. Were you ever fortunate enough to strike a broker that gave you money on bond transactions? A. Never; I would like to be.

Q. You have never had friends, then? A. I have had friends.

Q. You have never had friends that took such interest in you that would make \$300 or \$300 a week for you on bond transactions? A. I would like to have such a friend.

Q. Have you got any children, Captain Ryan? A. I have.

Q. Have they any bank accounts? A. No, sir; not that I know of; no, sir; they have not.

Q. Will you swear, Captain Ryan, that you have no interest, directly or indirectly, in any bank account or any real property except as you have testified to here? A. I do, sir.

Q. And never had? A. Never had to my knowledge.

By Chairman Lexow:

Q. Have you given all your property without any reservation whatsoever? A. I have; there was one lot in Woodlawn Heights belonging to my wife that I forgot to mention yesterday; that is my wife's lot.

By Mr. Goff:

Q. When you swore to any person that means persons outside of your family, Captain Ryan; now, I ask you if any person has held any property for you of any kind or description whatever, or does hold any property for you? A. Not one in the world.

Q. I ask you, did you ever draw \$500 from any bank or from any person while you were captain of the Fifteenth precinct? A. I did not.

Q. Did any person draw it for you? A. They did not.

Q. Did you hand over \$500 to any person while you were captain of the Fifteenth precinct? A. I did not; as far as making money was concerned in the Fifteenth precinct, it was impossible for me to make money from the steps I had taken from the day I went there until I left it.

Q. What do you mean by that, that it was impossible for you to make money? A. I drove out crime as fast as I could reach it.

Q. And that implies that if you had allowed crime to remain there you would have made money, does it? A. It doesn't imply that exactly; there is nobody that would be so foolish as to offer me money for not punishing them.

Q. I understand; but you say you could not make money and the reason was you drove crime out of the precinct; does not that imply that if crime had remained in the precinct you could have made money if you wanted to? A. I don't know whether I could or not; perhaps I could.

By Chairman Lexow:

Q. You mean, do you not, that the conduct of your precinct was different from that of preceding captains? A. I don't know what the conduct of the preceding captains was.

Q. From the condition in which you found your precinct is it or not your opinion that you conducted it upon a different basis from what your predecessors had? A. My predecessors might have regulated that precinct, and in 24 hours it might have become demoralized again.

Q. Do you mean to say that in 24 hours a precinct could become permeated with crime—remember you are under your oath? A. These disorderly houses close up and have to keep closed perhaps a month, and as soon as there is a change in the captain they would open within 24 hours; that is my opinion.

Q. You found your precinct flourishing with crime, did you not? A. I did; crawling with crime.

Q. And in that way your conduct in your precinct differentiated from the conduct of your predecessors? A. It did.

By Mr. Goff:

Q. You found plenty of crime when you went there, captain?
A. Full of it.

Q. What captain preceded you? A. Captain Brogan, I believe; I think so, although I could see by the records that Captain Brogan had done a good deal of good work.

Q. But you found the actual crime there? A. I really did, dives and disorderly places in that precinct; I don't know how to enumerate them.

By Senator Bradley:

Q. Could these places have existed in that precinct before you went into it without the inspector of the district knowing it? A. They might from time to time.

Q. The inspector, did he not make casual visits around the district? A. Yes, sir.

Q. Could they possibly exist without his knowledge? A. They could without the knowledge of the inspector; the inspector has a large district to go over.

By Chairman Lexow :

Q. Do you recognize the course of your testimony here; you are on record as stating substantially that an honest captain taking hold of the precinct, such as yours, could practically in a short time absolutely prevent the maintenance of criminal resorts and vicious establishments in a precinct? A. Not in general.

Q. Do you understand that in doing that you have practically made an indictment against almost every other captain in the city? A. I don't; I haven't said that, your honor; I believe that I have stated that to a great extent this crime could be prevented, but not in general.

Q. You said substantially it could be entirely removed? A. Not entirely.

Q. Substantially you said?

By Senator Bradley:

Q. You testified under oath here that in three months you cleared your precinct of all these dives, dens and houses of prostitution; you cleared them all out, that is your testimony; you cleared your precinct in three months? A. I did.

By Chairman Lexow :

Q. And any other captain following the same line of conduct could have done the same; now, apparently, they have not done the same; do you wish, therefore, to be placed on record as criticising almost every other captain on the force of this city that he has not done his duty? A. No, sir; I do not; these disorderly-houses that we speak of, they can not be entirely subdued; they move from one house to another, and it is impossible to drive them out entirely, but these established houses that I have had in that Fifteenth precinct, they were there for some time, they were old established houses and opened to the public; they were all closed and had to close; that was done through the assistance of the district attorney's office; I got a list as I stated yesterday.

Q. In other words, if you had a list containing the houses, the street numbers, the owners of the houses, the numbers of inmates in those houses and the owners of the property, you, in conjunction with the district attorney, might in three months in any precinct in this city have absolutely abolished these criminal resorts? A. I think so, with the assistance of the district attorney.

Q. If a captain has appeared upon the stand who has given testimony of the detail that I have mentioned and has been unable to remove those resorts inside of three months after taking charge of the precinct he has been incompetent for his office, has he? A. I won't say he would be incompetent; perhaps he wouldn't have taken the same methods as I have taken; I don't know of anybody that went to the district attorney before I did.

By Senator Bradley :

Q. You would say he did not perform his duty? A. He might perform his duty, but not take those methods.

By Chairman Lexow :

Q. Do you mean to say that your methods are of such subtleness and refinement, and such wonderful methods altogether, that you are the only man who could put them in operation in the city of New York? A. Any man could put them in operation with the assistance of the district attorney.

Q. Any man doing his duty in your judgment could clear a precinct in three months?

By Senator Bradley:

Q. If he adopted the same methods as you did? A. That is about it.

By Mr. Goff:

Q. Did you attend the wedding of the daughter of Silver Dollar Smith? A. No, I did not; I am not acquainted with him at all; I don't know Silver Dollar Smith.

Q. Captain, did you ever hear that the liquor dealers had to pay money to the police in order not to be interfered with in the violations of the Excise Law? A. I have often heard it; but I have no proof of it—common saying.

Q. Common remark? A. Common remark.

Q. As matter of fact in your precinct, captain, the liquor dealers did violate the Excise Law on Sunday? A. Where in my precinct?

Q. In your precinct? A. Which precinct is that, I have had so many?

Q. In any precinct you ever were? A. They might violate the law.

Q. You do not mean to say, Captain Ryan, that the Excise Law was strictly enforced in the precincts of which you had command? A. As well as I could do it.

Q. You do not mean to say they were wholly enforced? A. The law was violated, no doubt.

Q. Now, is it not a fact that if a police captain in this city wished to close every disorderly house in his precinct that he has the power and the means to do it? A. He has; but they close and open again.

Q. I know; but if they are kept continually on the move it becomes too costly for them to continue? A. That is about it.

Q. Is that not so? A. That is so.

Q. We have heard here sometimes in the city, captain, of dry Sundays; those Sundays were days when the Excise Law was enforced by orders from headquarters? A. Yes.

Q. Does that show that the headquarters men can do more in the several precincts than the local men? A. Well, the men

in the precincts might be better known, they wouldn't have as great opportunity to get in as headquarters men, the head-quarter detectives are not known in the different precincts, consequently they can slip in easy; pretty much in every liquor store they have a chain on the door, and before a person is allowed in they see who it is. If they recognize him as a police officer in the precinct, or any person that they have suspicion of, they will not let him in, consequently it is a difficult thing.

Q. How is it that the policy shops have flourished so much; we have evidence here that during your captaincy at the Thirty-fifth street station-house that there were policy shops there? A. Not in my time; I closed them from time to time; they are like disorderly houses; they open again, and they play on the streets and in the liquor stores; it is an impossibility to drive them out entirely; it can not be done.

Q. It has been established here by proof, which has been unquestioned, that the policy business is in the hands of four or five men in this city, and that they pay the police from \$10 to \$20 a month for each policy shop; we have evidence here that there is not a precinct in the city but that policy shops were in full operation this fall? A. That is not true, Mr. Goff; the precinct I am in command of now there is not a policy shop in it; that is one; the principal population there are goats.

By Senator Bradley:

Q. They do not play policy? A. They do not play policy.

By Mr. Goff:

Q. Possibly they eat the policy slips? A. I wish they would; if they were down town and eat the policy shops it would be a good thing.

Q. Is it not a fact that because you did drive crime out of the Fifteenth precinct during the short time you were there that you were allowed to vegetate up among the goats? A. I can not say that, Mr. Goff.

Q. It is not a fat precinct, is it, Kingsbridge? A. It is a good, healthy place; 42 horses there; I can take my choice and go and ride them in a wagon or horseback, every way I like, and I am just at home; I have had too much down town slums and filth, and I am glad to be away from it; I don't want it.

Q. You are away from temptation, captain? A. I don't say that, Mr. Goff; but you know there is temptation, too.

Mr. Goff.—We will excuse you, captain.

William McLaughlin, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. We are a little surprised that you would not obey the subpoena here at the proper time? A. Mr. Goff, I have been here for three days; this is the first time that I have been absent in three days.

Q. You were not here yesterday? A. Yes, sir; all day long, and all day two days previous.

Q. You got a subpoena last night, inspector? A. Yes, sir.

Q. We expected to put you on as the first witness this morning? A. I am sorry, Mr. Goff, and I wish to apologize both to you and the committee.

Q. How old were you when you joined the police, inspector? A. Twenty-one years old.

Q. Were you ever charged with going on the police and swearing that you were of age when you were not of age? A. No, sir; not that I ever heard of; if you will permit me to volunteer, Mr. Goff, I think I can confirm to your satisfaction the date of my birth, where I was christened, in what church, and I think the records are there.

Q. If you had any business when you joined the police, what was that business? A. Previous to going on the police I owned three trucks in West Washington Market; the license number of one I think was 1,318, the other two I was not permitted to have a license; I got them in somebody else's name; the names I don't remember.

Q. How long have you been on the police, inspector? A. I was appointed on the 26th of November, 1868.

Q. Had you any lots in Japan when you joined the police force? A. No, sir.

Q. Had you \$20,000 in somebody's safe? A. No, sir.

Q. Had you any money? A. Yes, sir.

Q. How much? A. I think very near \$6,000.

Q. In what shape was that? A. In money.

Q. In what shape of money, what character? A. My wife had it, at least my mother had it; I was not married at the time.

Q. Was it in bank or was it in the house for safekeeping? A. She had it; I don't know where she had it.

Q. You were married then, inspector? A. No, sir; I was married on the 14th of November, 1870.

Q. Then your wife could not have had \$6,000 when you joined the police? A. I corrected myself when I said my wife—my mother.

Q. Then it belonged to your mother? A. No, sir; it belonged to me.

Q. How had you acquired \$6,000 up to the time that you were 21 years old? A. I was four years in business in West Washington Market.

Q. Then you started at 17 years of age? A. Yes, sir; my mother started me in business; when I sold out I got \$1,500 for my trucks and horses; the other I accumulated while in business.

Q. You can not tell us how these \$6,000 were placed, whether in savings bank or bond and mortgage? A. I think she had it in bank; I don't know.

Q. You do not know anything about it? A. Not as a fact, no, sir; I don't know where it was placed.

Q. But you know she had it? A. She had it belonging to me, yes, sir.

Q. Why did you yourself not keep it; you a business man, after selling out your trucks, why did you not keep the money that belonged to you? A. I thought she was more capable of taking care of it than me.

Q. You were not a spendthrift evidently? A. No, not necessarily so.

Q. If you had been you could not have saved that amount of money in four years when you were 17 years of age? A. A man is liable to meet with trouble carrying money of that kind.

Q. Did you ever have a bank account while you were there? A. No, sir.

Q. Did your mother, to your knowledge? A. Yes, sir.

Q. In what bank? A. That I couldn't tell you.

Q. Did you have any other property except your claim or

whatever it may be, there was this \$6,000—did you ever have any other property at that time? A. No, sir.

Q. Did you ever get that \$6,000? A. Yes, sir.

Q. When? A. Before she died.

Q. When was that? A. She died on the 12th of September, 1870.

Q. Twelfth of September, 1870? A. Yes, sir.

Q. You were yet a patrolman? A. Yes, sir.

Q. How did she give it to you? A. Gave it to me in bank bills.

Q. Where did she take it from to give you? A. I didn't ask her; I thought she got it from the bank.

Q. Was she on her sick bed when she gave it to you? A. No, sir; she was ailing, and had been ailing for months.

Q. Give it to you in one roll of bills? A. Well, it was in five hundreds and one hundreds.

Q. I mean at one time? A. Yes, sir.

Q. Six thousand dollars was given to you at one time? A. Yes, sir.

Q. Shortly before she died? A. Yes, sir.

Q. The denominations of these bills you say were five hundreds? A. And one hundreds.

Q. Did your mother leave any property? A. Yes, sir.

Q. By will? A. Yes, sir.

Q. Did you derive any benefit from that property? A. Yes, sir.

Q. What did you do with the \$6,000 that you got? A. I was engaged to be married at the time and gave it to my sweetheart, my present wife.

Q. How long was that before your marriage? A. Possibly three or four months.

Q. What did you give it to your sweetheart for? A. I wanted her to take care of it.

Q. You, a man who had accumulated \$6,000 before you were 21 years of age, and then went on the police, you did not consider yourself capable of taking care of your own money? A. I didn't state that I did not consider myself capable.

Q. Then, if you were capable of taking care of your own money, why did you give it to the lady to whom you were engaged to be married, and to your mother at different times? A. So that they would take care of it for me.

Q. Did you not have confidence in your ability to take care of it? A. I didn't give it to them because I didn't have any confidence in myself; I thought they were better capable than I was.

Q. Then you must not have had confidence in yourself as being properly able to take care of that money? A. Yes, sir; I had if I saw fit to keep it.

Q. Why didn't you keep it? A. Because I thought that they were better capable of taking charge of it than me.

Q. Then you had not full faith in your ability to take charge of that money? A. Yes, sir.

Q. Notwithstanding your full faith, you gave that money to your mother and to your intended wife? A. I thought that they were both more capable than I was.

Q. I am not questioning the lady's capacity at all; you gave \$6,000 to a lady to whom you were engaged; did it never occur to you that there was danger in giving \$6,000 to a woman that was not your wife at the time? A. No, sir.

Q. Did the old adage strike you that there was many a slip between the cup and the lip? A. No, sir.

Q. Did you take into consideration at all the possibility of that young lady dying? A. No, sir; I did not.

Q. Or of her changing her plighted troth to you? A. No, sir.

Q. That possibility did not enter your mind at all? A. No, sir.

Q. That was all you had in the world, was it? A. Other than the interest I had in the house that my mother had.

Q. But that interest had not been realized? A. No, sir.

Q. So that you gave this young lady that promised to be your wife all the money that you had in the world? A. Yes, sir.

Q. Did any one know at the time the money that you gave to your wife? A. I think my sisters did.

Q. Are your sisters now living? A. Yes, sir.

Q. Are they aware of the fact? A. I stated that I thought that they did; I don't know that they did.

Q. Confine yourself, inspector, to what you know, not what you think; when you are asked a question of fact I want what you know, not what you think; I ask you can you swear that any person knew that you had given this young lady \$6,000? A. That is so long ago that I can not swear to that.

Q. But you remember the fact of giving the \$6,000? A. Yes, sir; the reason I said I thought my sisters knew was because they were very intimate.

Q. But you do not know of your own knowledge whether they knew or not? A. No, sir.

Q. And you gave this young lady \$6,000 without taking any precautions as to witnesses or anything else in case of her death, or in case of any accident that might befall her? A. Didn't have a scrap of paper for it.

Q. You not only did not have a scrap of paper, but you did not have any witness? A. No witness; no, sir.

Q. What did you say to your intended wife when you gave her the \$6,000? A. I told her to take care of it.

Q. What did she do with it, do you know? A. I think she put it in the bank.

Q. What bank? A. I couldn't tell you that.

Q. What did she tell you? A. She told me she put it in the bank.

Q. Did she not tell you what bank? A. No, sir.

Q. Did you not ask her? A. No, sir.

Q. Now, why did you not put that money in the bank? A. I told you, Mr. Goff, I thought she was more capable to take care of it than I was.

Q. But the bank was capable of taking care of it? A. That is very true.

Q. If the bank was capable of taking care of it in her name, it was equally capable of taking care of it in your name, was it not? A. Yes, sir.

Q. Now, how old was this lady at that time as far as your knowledge went? A. I think she was about 22 years old.

Q. She had no more experience of the world than you had? A. Yes, sir.

Q. She had, and you a policeman? A. Well, she was a business woman.

Q. In what way; you had been a business man; you were a business man when you were 17 years of age; you were in business? A. I was a hardworking young man.

Q. You took and saved \$6,000, which shows that you were very industrious and very economical; that was a remarkable sum of money in those days for a truckman in West Washington Market to save in four years, \$6,000, \$1,500 a year, a truckman

saving a little over \$5 a day every day in the year? A. I had three trucks.

Q. Even so, you had your horses to support and men to pay?
A. Yes, sir.

Q. In those days that was remarkable saving; it showed you to be a man of remarkable enterprises; now, you having shown your own ability in the way of making money and saving money, can you not give us some reason why you preferred to place this money in the name of this young lady instead of in your own name — any other reason than that you have already given?

A. No, sir.

Q. Had this young lady ever been in the trucking business?

A. I appeal to this committee; I don't want to be insulted here.

Chairman Lexow.—I do not think it is an insult; at the same time I do not think the question was necessary.

Q. Inspector McLaughlin, there is no man in the city of New York that respects your wife, and that would exact the same respect for my wife, than I do, and in asking you questions about her it is because you, yourself, have introduced her into this case; having introduced her we have to deal with her now in the same way as any other witness, and because she is the wife of Inspector McLaughlin of the detective department of this city, she is entitled to no more immunity or privileges than the wife of any other man, and you having introduced this lady's name into the testimony—I did not drag her name in, I didn't know anything about her—but you, yourself, having introduced her name as being the repository of \$6,000 under the most extraordinary circumstances, while I propose to treat the lady's name with all the respect due to her, I yet propose to ask you questions upon this very extraordinary story? A. I think that last question that you asked was both unmanly and unnatural.

Q. We shall not discuss the question; you said she had been in business; I asked you if she had been in the business of trucking; that is a business, and an honorable business; now, Mr. Senators, I think my question is eminently proper and I insist upon an answer?

By Chairman Lexow:

Q. Put the question in another form; in what business was she engaged?

By Mr. Goff:

Q. What business was she engaged in? A. She was in the candy business.

Q. So that her business experience was confined to her candy store? A. Yes, sir.

Q. Your business experience was in dealing with men in the great mart of Washington Market, was it not? A. Yes, sir.

Q. And a lady carrying on business in a candy store deals very largely with ladies and children? A. Yes, sir.

Q. You, on the other hand, dealt almost exclusively with men and business men, did you not? A. Yes, sir.

Q. Now, in view of the two pursuits of business which were followed by yourself and your intended wife, do you yet say she had more business experience than you had? A. I think she was very smart and capable of taking care of my money.

Q. I would suggest to you right here do not be so sensitive in this matter, because no offense is intended; now, I ask you again if you considered that the bank was sufficiently safe to keep this money for your intended wife, why wouldn't the bank be sufficiently safe to keep it for you? A. I suppose it would have been if I felt like putting it there.

Q. But you did not feel like putting it there? A. No, sir; felt like giving it to her.

Q. Did you give it to her as a present? A. No, sir.

Q. Gave it to her to keep for you? A. Yes, sir.

Q. Was there any promise exacted from her or any conditions laid down by you as to why you gave her this money and for what purpose? A. No stipulation whatever.

Q. Did you simply tell her that you wanted her to put it in bank for you? A. I wanted her to take care of it for me.

Q. How did you learn that she deposited it in bank? A. She told me so.

Q. How soon after you gave her the money? A. I don't exactly remember how soon it was.

Q. How long did that \$6,000 remain in bank? A. I don't know that it ever was in the bank; she told me that it was there.

Q. Did you not believe her when she told you? A. Yes, sir.

Q. And she was then, of course, bearing her maiden name? A. Yes, sir.

Q. She was not Mrs. McLaughlin? A. No, sir.

Q. And she deposited that money in bank under her maiden name? A. Possibly so.

Q. But she could not deposit it under your name because she was not your wife? A. No, sir.

Q. When did you get that \$6,000? A. I don't know that I ever got it.

Q. Do you know whether you did or not? A. I know that I didn't.

Q. You know that you didn't? A. I don't think I did.

Q. Is there any doubt about it? A. I have had many business transactions—

Q. Don't let us get away from this interesting \$6,000; did you ever get that \$6,000 from the lady who afterward became your wife? A. The exact \$6,000?

Q. My question is very clear? A. I never asked her—

Q. I am not asking you that; did you ever get back that \$6,000 that you gave to this lady who afterwards became your wife? A. I got lots from her.

Q. Did you ever get that \$6,000? A. Not the identical \$6,000.

Q. Did you ever get that \$6,000 that you gave to the young lady who afterward became your wife? A. Since that time I got several thousand dollars from her.

Q. My question is, did you ever get that \$6,000? A. What do you mean, the identical bills?

Q. Did you ever get that \$6,000 that you gave to this lady who afterward became your wife? A. I don't understand your question.

Q. (Question repeated.) A. My wife kept it.

Q. That is not an answer to my question. Did you ever get it? A. I have got lots of money and more than that from her since.

Q. (Repeated.)

Senator O'Connor.—That is a fair question, witness. It does not mean the identical bills, the identical money.

Mr. Goff.—Of course, you couldn't get the identical money if the money was deposited in the bank.

A. I got that amount and more.

Q. When did you get that \$6,000? A. I don't know as I ever got that identical \$6,000.

Q. Now you are dodging the question.

Senator O'Connor.—That is a fair question.

Q. Did you ever get that \$6,000? Why don't you answer the question; it is very plain? A. Well, I am trying to think it over.

Q. Why you have thought out these questions pretty well before you came on the stand? A. I thought the truth; that is all.

Q. Now, if you have thought the truth, tell us the truth; you have no reason to hesitate; you have no reason to hesitate if it is the truth? A. I never got any money from my wife—

Q. Now, now, now, we will get back to that question again; will you answer my question, please? A. I want to answer it in my way.

Q. Now, do so? A. I say I never got any money—

Q. No, no, no; we will stop at this question if it takes a week until we get an answer, because it is such an eminently fair and reasonable question to ask you, upon your previous testimony? A. Well, she kept that money.

Q. No, no, no; that won't do; you can answer my question yes or no; did you ever get that \$6,000 from your wife? A. Well, I want to explain how I got—

Senator O'Connor.—You can explain afterward how you got it.

Witness.—Yes.

Q. When did you get it? A. I think it was in the year of 1885.

Q. In the year of 1885; so she kept that \$6,000 from 1870 to 1885; that is about 15 years? A. She had it in her possession.

Q. About 15 years she kept that \$6,000; now, in what shape did you get the \$6,000 in 1885? A. She paid \$7,000 on a house for it.

Q. She what? A. She paid \$7,000 on a house.

Q. Did you consider that the payment of \$7,000 on a house by your wife in 1885 was a payment to you of the \$6,000 which you placed in her keeping before marriage? A. No, sir.

Q. Then you didn't get it? A. Because I had given her other moneys between times.

Q. I am not asking you now about other money; I am interested in the \$6,000 at the present time; you say you didn't consider her paying \$7,000 upon a house in 1885 as a payment to you of the \$6,000 which you had given her to keep for you in 1870? A. No, sir.

Q. You didn't? A. No, sir.

Q. Then you never got the \$6,000? A. As a matter of fact I never got that identical \$6,000.

Q. Now, don't hedge; don't dodge; it has been explained to you by the Senator and myself that that question does not involve the identical bills, because it could not involve the identical bills; you have sworn here that you got that \$6,000; I asked you how you got it and you say she paid \$7,000 on a house in 1885; I ask you now if you consider the payment by her of \$7,000 on a house in 1885 was a payment to you of the \$6,000 which you left to her keeping in 1870? A. No, sir.

Q. Then you didn't get the money? A. No, sir; she bought a house in her name.

Q. You didn't get the \$6,000? A. No, sir.

Q. Then you said a while ago "yes;" you were wrong? A. Yes, sir.

Q. You were wrong? A. When I—

Q. It is all right; we have the record all right; so we have it now that you never got that \$6,000 from your wife; is that so? A. She bought a house in her name.

Q. Is it correct that you never got that \$6,000 from your wife; is that correct or is it not? A. No, sir; not up to that date.

Q. Not up to 1885; now, I ask you, since 1885 did you ever get that \$6,000 from your wife? A. I got moneys from her at different times.

Q. Did you ever get the \$6,000 from your wife since 1885? A. That identical \$6,000?

Q. Now, a man of your position, Inspector McLaughlin, ought not to interpolate such a suggestion or question as that; it is not creditable to your intelligence, and in some people's mind it might reflect upon your honesty in evading a correct question? A. No, sir; I don't try to evade.

Q. Now, I ask you if since 1885 you received that \$6,000 from your wife? A. I got different moneys from my wife since.

Q. Did you receive that \$6,000 from your wife since 1885; did you? A. I got moneys from my wife since 1885.

Q. No; did you receive that \$6,000 from your wife since 1885? A. Well, I can explain that thing in a way.

Q. I want to get the fact first, and when the proper time comes any explanation you have to make touching any reason

that you may have to give in this testimony will be cheerfully received; an opportunity will be cheerfully furnished; but we must get along by question and answer for the time being?
A. Yes, sir.

Q. Now, since 1885, have you received that \$6,000 from your wife? A. I have received different moneys from my wife.

Q. Have you received that \$6,000 from your wife since 1885?
A. She never gave me that and told me that was the \$6,000 I gave her.

Q. I don't ask you that; I want to know if you ever received that \$6,000 from your wife since 1885? A. I don't know how to answer that question.

Q. Will you say that you have received it? A. I have received moneys.

Q. Will you swear that you have received that \$6,000 since 1885? A. Not that \$6,000.

Q. So now we have it that up to the present time you will not swear that you have received that \$6,000 from your wife which you gave to her? A. Not that identical \$6,000; no.

Q. Now, now, now, inspector, deal with the questioner as the questioner is trying to deal with you, and that is in a spirit of honesty; I ask again, are you prepared to swear now whether or no you have ever received that \$6,000 from your wife which you gave to her before marriage for keeping? A. The only answer that I can make to that question, Mr. Goff, is that I have received moneys from her at different times; as to the identical \$6,000 I can not tell you about it.

Q. Now, when you say "identical," what do you mean by the word "identical?" A. What are you trying to get at?

Q. That is what I am trying to get at? A. The original \$6,000.

Q. What do you mean by the word "identical;" you have used it so frequently after it having been explained to you?
A. The original \$6,000.

Q. What do you mean by identical? A. That is the only way that I could designate it.

By Chairman Lexow :

Q. Do you mean the original bills? A. Yes, sir; or the original moneys that I gave her.

By Senator Cantor :

Q. The original sum, I suppose? A. The original sum.

By Mr. Goff:

Q. Now, after the Seantor's suggestion, which was it; The identical bills, or a similar sum, which do you mean? A. The original sum.

Q. The original sum? A. The similar sum.

Q. A similar sum of \$6,000? A. Yes, sir.

Q. Not an identical \$6,000; now, I ask you again, have you ever received that \$6,000 from your wife since your marriage? A. And I answer you again, Mr. Goff, that I have received moneys at different times; as to that similar sum, I have not.

Q. When you married in 1870 had you any property except the interest that you had in the property left by your mother, outside of the \$6,000? A. No, sir.

Q. What house was that? A. No. 121 White street.

Q. I forget whether you stated whether your mother left a will? A. Yes, sir.

Q. She left a will? A. Yes, sir.

Q. Did she leave this house in equal proportions? A. She left the will in such a way that the house couldn't be sold until the youngest child was of age.

Q. Then it was sold for the benefit of all, was it not? A. Yes, sir.

Q. How many children were there? A. Five.

Q. Five children? A. Six.

Q. The house was sold? A. Yes, sir.

Q. Who was the executor of the will? A. I think a gentleman named Patton.

Q. Patton? A. Yes, sir.

Q. Was it Matthew Patton? A. I think he was a grocer.

Q. Well, that was Matthew Patton? A. Yes, sir.

Q. I speak of it because there was a Patton who lived down in this neighborhood at that time? A. Yes, sir.

Q. Who was the lawyer, do you remember, who acted with Mr. Patton? A. I couldn't tell his name, sir.

Q. You couldn't tell? A. No, sir.

Q. When was the house sold? A. The youngest child died, that is the youngest sister, and the house was sold some three or four years after my mother's death.

Q. And she died when? A. On the 12th of September, 1870.

Q. So it would be around 1874 or 1875 when the house was sold? A. I am not exactly sure as to the date; I think it was in 1873 or 1874.

Q. Well, around there? A. Yes, sir.

Q. How was it sold, by private sale or at public auction? A. I think a man named Dietrich Knabe bought the house.

Q. Of course, this will is on record in the surrogate's office? A. Very likely; yes, sir.

Q. The executor couldn't give title unless the will was on record; now, when this house was sold, how much did it bring?

A. Seven or eight thousand dollars; I ain't sure which.

Q. Give me your mother's Christian name? A. My mother was married a second time; her name was Mary A. Mahoney.

Q. Do you know whether your mother made a will before she married a second time or afterward? A. Afterward, I think.

Q. So that she made the will under the name of Mary A. Mahoney? A. Yes, sir.

Q. And not under the name of Mary A. McLaughlin? A. That is sure, Mahoney.

Q. You say this house brought \$7,000 or \$8,000? A. Yes, sir; I wouldn't be positive as to the amount, but somewheres in that neighborhood.

Q. Not as to the exact amount? A. No, sir.

Q. Of course, the executor accounted; he must have accounted; he divided the money, did he not? A. Yes, sir.

Q. Mr. Patton divided the money among the children; there were five children? A. Five; yes, sir.

Q. And they each took share and share alike? A. Yes, sir.

Q. How much did you get? A. Very little money; I don't remember; it was a few hundred dollars.

Q. There were some debts, I suppose, to be paid and expenses etc.? A. Yes, sir; nothing of any consequence.

Q. So that we may exclude that from consideration of property; is that so? A. Yes, sir.

Q. We may exclude that house? A. Yes, sir.

Q. Can you tell us when you married your wife, if she had any money in her own right? A. A little money from her business; that is all.

Q. A little money? A. Yes, sir.

Q. Not to any great extent? A. No, sir; I don't think so.

Q. So that as matter of fact we may take it that the capital which the young couple had in starting life was the \$6,000 that you had given her before marriage? A. And what little she had.

Q. You say it was very little? A. A couple of thousand dollars probably.

Q. But you are not sure of that? A. No, sir.

Q. And since you have been on the police force you have not engaged in any business, have you? A. Yes, sir.

Q. What business have you engaged in? A. I haven't engaged in any business; I have invested money in business.

Q. You have what? A. Invested money in business.

Q. In what business? A. In the year 1881 I invested \$1,750 in a patent switch.

Q. Well, what became of that? A. I made quite some money out of it.

Q. How much did you make out of this patent switch? A. Possibly \$35,000 or \$40,000.

Q. On a capital of \$1,750? A. Yes, sir; my brother-in-law was interested with me in it.

Q. On a capital of \$1,750? A. Yes, sir.

Q. You made how much? A. We bought the patent right for \$14,000 called the Jeffrey Clark Switch; paid in four notes, \$3,500 each; we paid the first payment of \$3,500 and after that the thing became a good investment and within five or six years we made some money out of it.

Q. Now, let us see; who was the inventor? A. Two men, named Jeffrey and Clark.

Q. Jeffrey and Clark? A. Yes, sir.

Q. Was there a business establishment when you invested your \$1,750? A. The business was in Chicago.

Q. Was it established there? A. My brother-in-law was the superintendent of the Union Iron and Steel Company in Chicago; he was superintendent of the frog and switch department there; his name was Frederick Hills; he is now in the mining business in Webb City, Missouri; he bought the patent and asked me to go in with him.

Q. How much was paid for the patent? A. Fourteen thousand dollars.

Q. Was there any other persons interested in the purchase of that patent except yourself and your brother-in-law? A. No, sir; not that I know.

Q. You would have known? A. Yes, sir; I think so, from what he told me.

Q. What year was this in? A. Eighteen hundred and eighty-one.

Q. Where did you get the money, the \$1,750? A. I got it from my wife.

Q. You hadn't a bank account? A. Sir?

Q. You hadn't a bank account, did you? A. No bank account, no sir.

Q. Did you ever have a bank account? A. Yes, sir.

Q. Did you have a bank account then? A. No, sir.

Q. How did you give it to him, by check or in bills? A. In bills.

Q. Here in New York? A. Yes, sir.

Q. What became of the enterprise? A. There was a lawsuit brought by the Elliot Frog Company of St. Louis in the year 1886, and Mr. Hills was beaten in the lawsuit and he sold the patent right to the Wier Frog and Switch Company.

Q. After he was beaten in the lawsuit? A. Yes, sir.

Q. That was in 1886? A. Yes, sir.

Q. That ended your interest in it? A. Yes, sir.

Q. So that your interest continued from 1881 until 1886? A. Yes, sir.

Q. That was about five years; well, during that time was there a business carried on under the patent? A. Yes, sir; he carried it on.

Q. Where was it carried on? A. In Chicago.

Q. How was it known or described? A. As the Jeffrey-Clark Switch.

Q. Were you a partner in it? A. I never had any writings for a partnership.

Q. Were there any persons interested in it besides yourself and your brother-in-law? A. Not that I know of.

Q. Did you furnish any more money? A. No, sir; not in that enterprise, I didn't.

Q. That is what I mean, in that enterprise; did you ever go out to Chicago to look after your interest? A. I never was in Chicago in my life.

Q. Did you ever send any one there to represent you? A. No, sir.

Q. Now, there was not a factory established for the manu-

facture of this switch when you advanced this \$1,750? A. No, sir; I didn't know much about that when I advanced it.

Q. There was not a factory; you simply bought the patent; is that so? A. I don't know that there ever was a factory; he sold the royalty to manufacturers and to railroads.

Q. Will you tell us one manufacturer to which he sold the royalty? A. Yes, sir; what I am telling you I am telling you from what he told me; not that I know myself.

Q. Well, we will take it in that way, so long as you state it so; what manufacturers did he tell you that he sold it to? A. The Ajax Forge Company of Chicago.

Q. Any other? A. He told me three or four; the Elliot—no, the Adams Company of Chicago.

Q. And any other? A. And the Union Iron and Steel Company of Chicago.

Q. Any other? A. And others I don't remember.

Q. Is that all now, during the four years? A. There were different railroads that he sold to.

Q. Can you name the railroads? A. There was the Chicago & Northwestern, the Missouri Pacific, the Chicago, Burlington & Quincy, and others I don't remember.

Q. That is all you remember? A. That is all.

Q. This litigation was quite expensive? A. That I don't know anything about.

Q. Well, it was taken up to the Supreme Court of the United State? A. Possibly so.

Q. The Jeffrey Switch Company? That is the famous case that the Supreme Court of the United States decided that there never had been a patent—the Jeffrey Switch Company; it was in a conflict between the eastern railroads and the western railroads? A. I don't know anything about that, Mr. Goff.

Q. Well, but these people that paid a royalty for it, did they not sue for its return—to return their money? A. That I couldn't tell you.

Q. Did you ever return any money you realized from it? A. No, sir.

Q. In what shape did you get your share of the profits? A. Moneys.

Q. And what share had you in the profits? A. I had a half interest.

Q. Yourself and your brother-in-law divided all the profits? A. Yes, sir.

Q. Did he keep books? A. I presume so.

Q. Did you ever see them? A. No, sir.

Q. Did you ever get a written statement from him? A. No, sir.

Q. Did you ever ask a written statement? A. No, sir.

Q. Did you ever inquire as to what the earnings of the patent were? A. Only what he told me.

Q. You simply took his word for it? A. Yes, sir.

Q. How did he send the money on to you? A. He brought it on to me.

Q. Every time? A. Well once or twice a year.

Q. How frequently did he come, for instance during 1881, the first year? A. I said once or twice a year.

Q. Did he come once or twice a year during 1881? A. Possibly so.

Q. No, not possibly? A. I couldn't tell you.

Q. How much notes had you to pay before you could get any profits there? A. That I don't know; he took care of that.

Q. But there were \$14,000 of notes? A. Yes, sir.

Q. Those notes had to be paid, had they not? A. Yes, sir.

Q. Who signed the notes? A. He did.

Q. You didn't sign the notes? A. No, sir.

Q. To whom were the notes made payable? A. That I couldn't tell you.

Q. Did you ever see the notes? A. No, sir.

Q. Do you know what time the notes were made payable then? A. Three, six, nine and twelve months.

Mr. Goff.—We will take a recess here, Mr. Chairman, please.

Chairman Lexow.—This committee will stand adjourned until half-past 2 o'clock. All witnesses under subpoena will attend then.

AFTERNOON SESSION.

December 29, 1894.

Present.—Senators Clarence Lexow, Daniel Bradley, Jacob A. Cantor and Edmund O'Connor.

William McLaughlin resumed the stand and examination continued.

By Mr. Goff:

Q. Did your brother-in-law ever submit to you written statements of the profits of this Switch Company or switch patent?

A. No, sir.

Q. Did you ever ask him for any? A. No, sir.

Q. Were you paid by checks? A. No, sir.

Q. What? A. By money.

Q. Gold or bills? A. Bills.

Q. And he brought the bills all the way from Chicago? A. I don't know that he brought them from Chicago.

Q. Well he was in Chicago attending to the business? A. Yes, sir.

Q. Do you think he picked them on the way? A. I don't know where he got them.

Q. Well, Chicago being the chief office and place of business of this switch patent, it is reasonable that you suppose the money was paid in Chicago? A. He might have got the money here.

Q. What? A. He might have got the money here.

Q. You never inquired? A. No, sir.

Q. Or as to what parties paid the money? A. No, sir.

Q. Did you ever inquire as to whether the books were kept? A. No, sir.

Q. Did you ever ascertain whether or not the parties who were paying royalties under the contract or under the lease for the patents were dealing fairly and honestly with the patentee; did you ever inquire? A. With my brother-in-law?

Q. Well, he was the assignee of the patentee? A. Yes, sir; I never inquired, no, sir.

Q. And it may have been that instead of making \$40,000 in

four years that you had looked after your business interests you might have made \$80,000? A. I depended entirely on him.

Q. I say you might have made \$80,000 had you looked after your business interests? A. I might have made \$180,000 as far as I know.

Q. So that it was a pure hap-hazard matter with you? A. No, sir; it was a business matter with me; I took his word for it, that is all.

Q. Eighteen hundred and eighty-one you got it; when did you first receive money on that patent? A. The first year.

Q. That was in 1881? A. I think so; yes.

Q. How much did you receive? A. I received \$4,000 or \$5,000; I don't remember the—

Q. Can you not tell us something nearer to the exact sum than \$4,000 or \$5,000? A. I can not tell you the exact amount, no, sir.

Q. Did you sign any receipt for it? A. Sir?

Q. Did you sign any receipt for it? A. No, sir.

Q. How was it given to you, in bills in an envelope? A. No, sir; in money.

Q. I said in bills? A. Yes, sir.

Q. Understand, bills; were the bills contained in an envelope? A. No, sir; counted out.

Q. Given to you in a roll? A. Yes, sir.

Q. Did you count them after receiving them? A. Yes, sir.

Q. Now, the first payment you got in 1881 was between \$4,000 and \$5,000? A. I think so, yes, sir.

Q. What? A. I think so.

Q. What time in 1881? A. That I couldn't tell you; I never kept track of it.

Q. What did you do with the money, \$4,000 or \$5,000 in bills? A. Gave it to my wife.

Q. What did she do with it? A. Took care of it.

Q. Kept it in the house? A. I don't know what she did with it.

Q. Did you ever inquire whether or not she had invested it? A. No, sir.

Q. Whether she had put it in the bank? A. No, sir.

Q. Since you were so careful to ascertain that she put \$6,000 in bank before your marriage why were you not equally careful after marriage to see that she put it in bank? A. I was not careful before marriage.

Q. But you ascertained that she put it in bank? A. She told me she did; I didn't ask her.

Q. Did she tell you that she put these \$4,000 or \$5,000 in bank? A. No, sir.

Q. Did you ever ask her? A. No, sir.

Q. When did you next get money from the patent? A. Next year.

Q. What time of the year? A. I couldn't tell you.

Q. In 1882 you got some? A. Yes, sir.

Q. How much? A. I couldn't tell you the exact amount; it aggregated—

Q. No, we will get at that later on; how much did you get in 1882? A. I couldn't tell.

Q. Five thousand dollars? A. It might have been more.

Q. Ten thousand dollars? A. It might have been \$10,000, I couldn't tell.

Q. Would it be \$15,000? A. No, sir.

Q. What? A. I don't think so.

Q. Was it between \$10,000 and \$15,000? A. That I couldn't tell you.

Q. What? A. I couldn't tell you the exact amount.

Q. Was it over \$10,000? A. I think I could get it for you.

Q. Was it over \$10,000 you got? A. I couldn't tell you what I got.

Q. Did you get \$1,000? A. Yes, sir.

Q. Did you get \$5,000? A. I got more than \$5,000, I think.

Q. Now, it is a very important subject, a man deriving such very large profits from an investment of \$1,750 in a patent—that you can not tell whether it was \$5,000 or \$10,000 that you received in 1882, is that so? A. No, sir; I can't tell.

Q. Will you swear you received \$20,000 in 1882? A. No, sir; I don't think so.

Q. Will you swear you received \$10,000? A. No; I couldn't swear I received \$10,000.

Q. Will you swear that you received \$5,000? A. Yes, sir.

Q. Will you swear you received \$6,000? A. Well, I can not tell the exact amount.

Q. You repeated that several times; will you swear that you received \$6,000 in 1882? A. Well, I will answer yes and no to that.

Q. Yes and no? A. Yes.

Q. That is a dual answer; that is not a satisfactory answer?
A. It is not, eh.

Q. No; will you swear that you received \$6,000 in 1882? A. I couldn't tell you.

Q. Will you swear that you received \$7,000? A. I couldn't tell you.

Q. Well, the only sum you will swear to having received was \$5,000? A. I think it was over \$5,000.

Q. But you will not swear that it was \$6,000? A. No, sir.

Q. Then you have it between five and six thousand dollars; is that your best recollection? A. No, sir; I won't say between \$5,000 and \$6,000.

Q. But you will say \$5,000 anyway? A. Yes, sir.

Q. How did you get that \$5,000? A. In money.

Q. In bills? A. Yes, sir.

Q. The same way? A. Yes, sir.

Q. In 1883 how much did you receive? A. I couldn't tell you the exact amount.

Q. Did you receive \$5,000 in 1883? A. I think over \$5,000.

Q. Six thousand dollars? A. I couldn't tell you.

Q. Will you swear that you received \$6,000? A. No, sir.

Q. Will you swear that you received \$5,000? A. Yes, sir.

Q. That is \$5,000 in 1883; now, in 1884, how much did you receive? A. I think the profits were larger in 1884.

Q. How do you know? A. From my recollection.

Q. You didn't keep track of the profits? A. From my recollection.

Q. You say you never looked at the books; didn't know there were books kept? A. Only what he told me.

Q. How do you know there was an increase in profits? A. From my recollection of the money he gave me.

Q. How much did he give you in 1884? A. I think over \$10,000.

Q. Did he give you \$11,000? A. No; I won't swear to \$11,000.

Q. But you will to \$10,000? A. Yes, sir.

Q. In 1885 how much did you get? A. I couldn't tell you.

Q. Did you get any in 1885? A. Yes, sir.

Q. Swear positively to that? A. Yes, sir.

Q. When was that suit decided? A. I think in 1885.

Q. And the suit was two years on the way before it was decided, the patent suit, you know? A. I don't know anything only what he told me about it.

Q. I know; but you say that this suit decided that there was no patent; now, the suit was under way for two years? A. I didn't know anything about the suit; I told you he told me that he had a lawsuit and lost it.

Q. You swore here before that the lawsuit determined that he had no patent? A. I didn't say that.

Q. Well, that he lost it; he had no patent right? A. Yes, sir.

Q. Do you mean to say that the royalties accruing from this patent continued while the litigation was going on? A. I do not know anything about that.

Q. Will you swear you received money in 1885, the year that the lawsuit was lost? A. I don't know whether I did or not.

Q. You won't swear you did? A. No.

Q. Did you receive any money in 1886? A. I won't swear whether I did or not.

Q. You didn't receive any money after that lawsuit was lost, did you? A. No, I don't think I did.

Q. Now, we have counted up: 1881, between \$4,000 and \$5,000; 1882, \$5,000; 1883, \$5,000; 1884, \$10,000; about \$25,000? A. I said \$35,000, between \$35,000 and \$40,000.

Q. How do you account for the difference between \$25,000 and \$40,000? A. Because I got the money.

Q. You haven't accounted for it? A. Well, I can not account for that.

Q. Is it because you won't? A. No, sir; if I could I would; I would gladly give you the dates and the amounts.

Q. I understand your willingness, but you have been asked as to specific sums in each year; you have accounted for the receipt of \$25,000 from this patent, year by year, aggregating the sum of \$25,000? A. I didn't account for it; you did.

Q. I beg your pardon; you answered my questions each year as to the amount of money you received? A. Well, I could not tell you positively.

Q. You swore that you could only swear to having received certain sums; that you wouldn't swear to having received any other sums? A. I might have received more; I can not tell you.

Q. Those sums you are certain of having received aggregating the sum of \$25,000; is that correct or not? A. No, sir; it is not.

Q. How is it incorrect? A. Because I think I received more than \$35,000 and less than \$40,000.

Q. How do you know, if you didn't keep an account? A. I didn't keep an account; only from his accounts; he told me.

Q. But you didn't keep an account yourself of all the moneys you received? A. No, sir.

Q. Did you keep any memorandum of the receipt of each money? A. No, sir.

Q. Did your wife ever keep any account for you? A. I never asked her.

Q. So far as you know? A. No, sir.

Q. Did you give the money you received in 1882 to your wife? A. Yes, sir.

Q. The same in 1883? A. Yes, sir.

Q. The same in 1884? A. Yes, sir.

Q. The same in 1885? A. Yes, sir.

Q. You don't know what your wife did with it? A. I guess she took care of it.

Q. Do you know where she put it? A. No, sir.

Q. That is between \$35,000 and \$40,000; now, did you ever get that money back from your wife? A. I invested some of it.

Q. You invested it? A. Yes, sir.

Q. In what? A. Real estate.

Q. Where? A. Different parts of the city.

Q. What real estate do you hold? A. I hold real estate in common with my wife; a piece of real estate at 449 West Twenty-second street, for which I gave \$20,000.

Mr. Goff.—What?

A. For which I gave \$20,000.

Q. Twenty thousand dollars? A. Yes, sir.

Q. Where did the \$20,000 come from? A. It stands in her name.

Q. Where did the \$20,000 come from? A. There was \$7,000 paid on it in 1885.

Q. Yes? A. The balance since.

Q. You paid the balance since? A. Yes, sir.

Q. How did you pay the balance; out of what moneys? A. Out of the moneys my wife had.

Q. Since you had this money in 1885, you paid \$7,000 down upon it, and since your wife had them in her possession, in 1885, according to your own account, \$46,000 of your money in her keeping and \$6,000 that you gave her before marriage? A. Yes.

Q. And about \$40,000, we will say, in round numbers, that you derived from your patent investment; how is it that you allowed \$13,000 of a mortgage to remain on this house that you bought in 1885, with \$46,000 of your money in your wife's possession? A. She had more money than that.

Q. How is it that you allowed a \$13,000 mortgage to remain on this house in Twenty-second street in 1885, when at that time your wife, according to your statement now, had \$46,000 of your money in her possession? A. Well, people don't always pay for—

Q. I am asking how did you come to do it? A. If I wanted to sell the property it was better to have a mortgage on it; that is all.

Q. I want you to give me a reason? A. That is one reason.

Q. What reason? A. If I wished to dispose of it we could sell it better with a mortgage on it.

Q. Why didn't you keep the mortgage on, if that was the reason? A. Well, we had money and wanted to pay it off.

Q. But you had money in 1885 as well as in 1892? A. Well, I have other real estate.

Q. Why didn't you pay that mortgage off? A. Well, I didn't feel like paying it.

Q. What interest did the mortgage bring? A. Five per cent.

Q. What interest did the \$40,000 yield to you that were in your wife's care? A. I couldn't tell you.

Q. Did it yield any interest? A. I don't know.

Q. Will you swear it did? A. No.

Q. You don't know anything about it? A. No.

Q. Yet you went on and paid on a \$13,000 mortgage five per cent. interest per annum while you had \$40,000 lying idle not yielding any interest; is that the fact? A. Sir?

Q. (Repeated.) A. I don't know that it was not yielding anything.

Q. I ask you is that the fact? A. That is a fact that we had a \$13,000 mortgage on the house.

Q. That will do; that is the fact; and you allowed your wife to carry \$40,000 in bills and you didn't know what disposition she made of it or where she placed it? A. I allowed her to have it; not to carry it.

Q. She may have carried it on her person as far as you know? A. I don't think she is as foolish as that.

Q. Then where did she carry it? A. I think she could tell you where it was.

Q. Never mind; I am asking you? A. I don't know.

Q. And you never inquired? A. No, sir.

Q. Forty thousand dollars lying idle and you never inquired where she had that money? A. I don't know that it was lying idle.

Q. Did you know that it was in use? A. I couldn't tell you.

Q. Didn't you ever inquire if it was in use? A. She used some of it in her business.

Q. What business? A. She was in business.

Q. What business? A. I won't tell you that until I see my counsel.

Q. There is nothing that you wish to conceal about that? A. Well, my wife is not a policeman; I don't want to bring her into this thing.

Q. You see you brought her in yourself, and you brought her in before you married her? A. Yes.

Q. Now, having so generously brought her in here, do you think you can safely lie behind this obstacle? A. I am not lying behind anything.

Q. Who is your counsel? A. Mr. Edward E. McCall, of the firm of McCall & Arnold, 120 Broadway.

Q. Has Mr. Edward E. McCall advised you not to say anything about your wife? A. No, sir.

Q. Then why do you refuse? A. Because I think it is my right.

Q. Your right to what? A. To protect my wife.

Q. To protect her? A. Yes.

Q. Well, we are not attacking her, and there is nothing to protect if everything is honest and upright and straightforward, is there? A. That is a difference of opinion.

Q. Is there anything that needs protection in your mind? A. No, nothing; nothing but what is legitimate.

Q. Now, if there is nothing but what is legitimate, what hesitancy have you in telling us? A. Well, I won't do it that is all.

Q. Well, you won't do it? A. No, sir; not until I consult with my counsel; I don't refuse.

Q. You won't do it now? A. Don't refuse; I don't want that to go on the record that I refused.

Q. Even at a point where your reputation for honesty is at stake? A. My reputation for honesty is not at stake.

Q. It is absolutely at stake here; you are a public official and you say you have acquired money, and into its disposition this committee has a right to inquire; now you have placed that money in the keeping of your wife; I have asked you questions simply based upon your own statements, and do you decline to answer them? A. Which question do you mean?

Q. About that question; what was your wife's business? A. I decline to answer until I consult with counsel.

Q. None of this \$40,000 went into her business? A. Possibly so.

Q. What? A. Possibly so.

Q. Was it of a mercantile character? A. In a way, yes.

Q. How far in a way? A. Well, I will not say anything about that until I see my counsel.

Q. Well, there is nothing in the business that is of anything but of a respectable character? A. Nothing in the world.

Q. Do you think it would degrade you or criminate you to speak about that business? A. No, sir.

Q. Or disgrace you? A. No, sir.

Q. Then what hesitancy have you to speak about it? A. Only on her account; that is all.

Q. Well, it would not degrade her, certainly? A. It wouldn't do her any good.

Q. Well, it wouldn't do her any harm? A. Yes, it would.

Q. Then, if it would do her any harm it can not be a respectable business? A. Yes, it is a respectable business.

Q. If it is a respectable business it can not harm her or anybody else? A. That is a matter of opinion.

Q. Well, we will take your standard of opinion; you say that it was respectable; can it injure your good lady by mentioning the business in which she was engaged? A. Mentioning the names of the business?

Q. Yes? A. I won't do that.

Q. Can it injure her; you say it is respectable? A. It is.

Q. Can it injure her? A. I don't say that it will injure her.

Q. Was she a stock broker? A. I gave you an answer to that question.

Q. Was she a stock broker? A. I have answered.

Q. You haven't answered that question? A. I refuse to answer until I see my counsel.

Q. You refuse to answer until you see your counsel; was she carrying on her candy business that she was in before marriage? A. I refuse to answer.

Q. On the same grounds? A. Yes, sir.

Q. Until you see your counsel? A. Yes, sir.

Q. Do you refuse to answer on the ground that the answer would tend to criminate or degrade you, or disgrace you? A. No, sir.

Q. Or to convict you of a crime? A. No, sir.

Q. Then what is your reason; give us your reason? A. I told you I wanted to protect my wife.

Q. But she doesn't need protection? A. Yes, she does.

Q. In what respect? A. Well, I don't want to tell what business she was in; she was in business for over 20 years.

Q. But there is nothing disreputable in that? A. Well, I don't want to bring her into it at all.

Q. But that property — A. If you give me permission, Mr. Goff, through the kindness of the committee I will send to my attorney, and if he tells me to I will tell you.

Q. Well, this committee and its counsel are not going to wait for Mr. McCall's advice? A. Well, you don't want his advice; I do.

Q. We shall not act on Mr. McCall's advice; so far as a witness is concerned, this committee will deal as fairly with you, and just as fairly as any other witness has been dealt with; now; I was asking you in relation to the mortgage that was on your house, and I will return to that line of question; did you ever speak with your wife as to whether or not the \$40,000 she had in her possession belonging to you was earning anything by way of interest or otherwise? A. No, sir.

Q. Do you know that the \$40,000 ever earned anything? A. No, sir.

Q. And you never inquired? A. No, sir.

Q. Did you ever inquire whether or not the \$40,000 was in bank or banks? A. I assumed it was; I didn't know.

Q. You don't know what banks it was in? A. No, sir.

Q. You never inquired? A. No, sir.

Q. What I want to find out now is if you saw fit to pay off the mortgage in 1892, when you had the money in your possession in 1885, why didn't you pay off the mortgage? A. Because I had more money in 1892 than I had in 1885.

Q. Now I find that in 1889, four years after the first parcel of property you bought, your wife bought a plot on the south side of One Hundred and Thirty-third street for \$16,050 and you mortgaged the same for \$10,000; why didn't you pay off the mortgage as well as the other? A. I wanted to sell the property.

Q. Because you wanted to sell the property? A. Yes, sir.

Q. If you wanted to sell the property with a mortgage, why did you pay off the mortgage on January 25, 1894? A. A mortgage on what?

Q. A mortgage on that property of \$10,000? A. January 25, 1894?

Q. January 25, 1894? A. What property?

Q. I am speaking about the One Hundred and Thirty-third street property? A. I didn't own it in 1894.

Q. Did your wife? A. No, sir.

Q. Did you ever own property there? A. Yes, sir.

Q. When did you sell it? A. I sold it in 1891 or 1892.

Q. You bought it in 1889? A. Eighteen hundred and ninety, I sold it.

Q. To whom? A. I disremember the man's name, the lawyer was in Nassau street, corner of Beekman.

Q. You sold it on October 22, 1891? A. I don't know the date.

Q. That is the date on the record; how much did you get for it? A. I made a profit of \$650 a lot on it.

Q. You sold it for \$1? A. Sir?

Q. One dollar? A. That was the consideration named in the —

Q. Was that a true consideration? A. No, sir.

Q. It didn't represent the truth? A. Well, that is customary —

Q. Well, never mind the custom? A. Well, I have a right to say something here.

Q. No, you have every right to answer my question; now, don't get mad? A. I am not angry at all.

Q. That was not a true consideration, was it? A. You ask me a question, and you put the answer in my mouth.

Q. That was not a true consideration, was it? A. You know as an attorney —

Q. Now, I don't want you to question me.

Chairman Lexow.—Everybody understands that, witness. Just answer the questions.

Q. I only want to get the fact? A. It was not a true consideration; no, sir.

Q. Who was James Brice? A. An attorney in Park Place; I think corner of Church street.

Q. Did you pay any other mortgages off about the same time? A. I think there was a mortgage on two lots on Convent avenue one of them the southwest corner of Convent avenue and One Hundred and Thirty-third street and one of them on One Hundred and Thirty-second street and Convent avenue; the street is not cut through there, but if cut through it would be a corner.

Q. You haven't sold that property? A. No, sir; I still hold that.

Q. And it is a peculiar coincidence, that on the same day, October 23, 1891, when the mortgage of \$10,000 was paid off on your One Hundred and Thirty-third street property the mortgage on the Convent avenue property was paid off also, on the same day, can you explain that? A. I never paid any mortgage off on the One Hundred and Thirty-third street property.

Q. Can you explain the coincidence that the two mortgages were paid off on the same day? A. I don't know anything about it.

Q. Then you can not explain it? A. Well, that goes without saying; if I don't know anything about the mortgage on the One Hundred and Thirty-third street property that was east of Sixth avenue I don't know anything about it.

Q. There were two mortgages on the Convent avenue property? A. There were two separate lots.

Q. And the mortgage on the other lot was cancelled on the same day, October 23, 1891? A. I don't know anything about that mortgage on the property at One Hundred and Thirty-third street east of Lenox avenue; I sold that subject to the mortgage; the property on Convent avenue, that I explained to you about, I paid a mortgage off both them lots, which was a very small one.

Q. Where did the money come from that your wife took a mortgage from Diamond on? A. From whom?

Q. From James E. Diamond, a lot on Madison avenue; where did that money come from? A. I never owned a lot nor my wife never owned a lot on Madison avenue.

Q. I didn't ask you that; I asked you where did the money come from which your wife gave on a mortgage to Diamond?
A. She never loaned any.

By Chairman Lexow :

Q. Invested on mortgage? A. She never invested any.

By Mr. Goff :

Q. What is your wife's Christian name? A. Mary A.

Q. The records shows that in 1885 a mortgage was executed by James G. Diamond and Margaret his wife, to Mary A. McLaughlin on property in Madison avenue near One Hundred and Thirty-third street within 25 feet of the corner, do you know anything about that? A. Nothing in the world.

Q. Did you ever hear of it before? A. No, sir.

Q. Is your wife the Mary A. McLaughlin named here on the record? A. Not that I know of.

Q. If it had been the case would you not have known it? A. Yes, sir; I think so; it is the first I heard of it.

Q. It is possible that she might advance the money on that mortgage? A. Well, it ought to give her residence.

Q. It is possible that she might have advanced the money on that mortgage without your knowing it? A. I don't think she has.

Q. Have you got property corner of Mercer and West Fourth street? A. No, sir.

Q. Did you ever have? A. No, sir.

Q. Did you ever enter into a contract to buy property on the corner of Mercer and West Fourth streets? A. No, sir.

Q. Did you ever have any one take a contract in his or her name for you? A. No, sir.

Q. Did you ever spend any money or direct any money to be expended for it? A. No, sir.

Q. For the purchase of property corner of West Fourth and Mercer streets, did you? A. No, sir.

Q. Have you any interests, directly or indirectly, in any property in that vicinity? A. That property was sold.

Q. What property? A. That property that you speak of; I saw it in the paper and I took occasion to look it up; I was credited with owning that property and buying it for \$102,000 or something of that kind.

Q. Did you ever buy it? A. No, sir.

Q. Did you ever have any interest in it? A. No more than you did.

Q. Did you ever have any interest in it? A. None whatever.

Q. How did you know it was sold? A. I was in the Exchange the day it was sold.

Q. How did you come to be in the Exchange the day it was sold? A. I have a right to be in the Exchange.

Q. I ask you, how did you happen to be in there? A. I just happened there.

Q. How was your attention directed to the sale of this piece of property? A. Well, it was advertised for sale; I just went in to look the place over and I found it was going to be sold at auction.

Q. What is that? A. I found it was going to be sold at auction that day.

Q. Then you didn't happen in there; you went on purpose? A. Well, I went in there and I found that this was going to be sold that day.

Q. How did you select this piece of property out from all the other pieces of property? A. Looking over the different advertisements.

Q. And this property attracted your attention? A. Yes, sir.

Q. Why? A. It is a fancy corner.

Q. Did you think of buying it? A. If I had the money I would have bought it.

Q. Did you think of buying it when it attracted your attention? A. No, sir.

Q. At that time had you read in the newspapers that you had bought it? A. I don't think so.

Q. Will you swear that you hadn't read in the newspapers that you hadn't purchased that property? A. I swear that I don't think to my recollection that I saw it in the newspapers; I think that is the way my name happened to be connected with it in the newspapers, from the fact that I was seen in the Exchange that day.

Q. Do you know who bought it? A. It was sold at auction there.

Q. Do you know who purchased it? A. I heard it was bought in.

Q. By whom? A. By the party that owned it.

Q. Who was the party? A. A man named Carroll Keneen.

Q. Did you know him? A. Yes, sir.

Q. Where is he to be found, if any place? A. I see him about New York here.

Q. Where does he reside? A. I couldn't tell you.

Q. What is his business? A. I don't think he is in any business; I think he speculates in real estate.

Q. Where did you first see Mr. Keneen? A. He used to keep a liquor store over in Bleecker street; I have known him for 25 years; he had charge of the hacks at the Astor House when I was a patrolman.

Q. You say he had charge of the hacks at the Astor House? A. Yes, sir.

Q. And afterward he had a liquor store in Bleecker street? A. Yes, sir.

Q. Six years ago? A. It must be, I suppose, over 20 years ago since he was over at the Astor House.

Q. How many years ago since he had a liquor store? A. Five or six.

Q. Since he has had the liquor store do you know what business he was in? A. Since he had the liquor store?

Q. Yes? A. No, sir; I do not.

Q. You have met him frequently? A. No, sir; not frequently.

Q. Very frequently, have you not; now, just refresh your memory if you haven't met Mr. Keneen very frequently in the performance of your duty as an inspector or as a police captain, either one or the other? A. No, sir.

Q. Do you know his business? A. Do I know his business?

Q. Yes? A. I think he is interested in a private detective agency.

Q. First you said you didn't know anything about him, didn't know his business? A. I didn't say I didn't know anything about his business.

Q. In what detective agency is he interested? A. In the Wilkinson Detective Agency.

Q. That detective agency has been doing some detective work for police headquarters? A. No, sir.

Q. Never? A. Not that I know of; it never done any for me.

Q. I am not asking for you personally; I am asking for police headquarters? A. No, sir.

Q. Is it not a detective agency that has done work for the district attorney's office? A. Possibly so, yes, sir.

Q. And Wilkinson's Detective Agency has driven the Pinkerton Agency out of the city, practically speaking, because it had the countenance of police headquarters; isn't that the fact?

A. No, sir; I do not believe that police headquarters ever interfered with private detective agencies.

Q. Do you mean to say that police headquarters ever interfered with the Pinkerton Agency? A. No, sir.

Q. Did you ever hear of the trouble between the Pinkerton Agency and the headquarters people over the boodle cases? A. No, sir.

Q. Or the Mandlebaum case? A. I heard they were called in that case.

Q. Don't you know that the police department of this city insisted that the Pinkerton Detective Agency should not be employed again? A. No, sir.

Q. Do you know of the Pinkertons having been employed in the business of this city since then? A. No, sir; I don't know anything about it.

Q. We come to find that this mysterious Keneen is interested in the Wilkinson Detective Agency? A. I don't know that there is anything mysterious about him.

Q. Why didn't you tell us about him right off if there was not anything mysterious? A. I told you who he was and that he owned the property.

Q. After a great deal of trouble we got at it; now, you happened to be in the Exchange that day, you say, that this private detective bought the property? A. He owned it, he bought it in.

Q. How long did he own it? A. I couldn't tell you.

Q. How do you know he owned it? A. I heard it.

Q. Who told you? A. Somebody in the Exchange.

Q. Were you not talking to Keneen? A. No, sir.

Q. Who told you? A. Somebody in the Exchange.

Q. What caused you to make the inquiry? A. I was looking it over.

Q. Why were you looking it over? A. I dabble in real estate.

Q. You dabble in little real estate? A. Yes, sir; and big real estate, too.

Q. Tell us some of your dabbles in big real estate that you have had? A. Do you want me to tell you all of this real estate that I have an interest in?

Q. Just answer my question; I want to help you along the best way I can; tell us your real estate now; tell us the full extent of your real estate transactions? A. I bought 112 West Forty-second street within the last few days for the sum of \$91,000; it is a lot 25x100, with two houses on it; I put \$2,000 on the contract; that is something you have not got there, Mr. Moss; I want to tell you about it.

Mr. Moss.—I have got it.

Witness.—No, you haven't got it.

Q. Never mind, Mr. Moss? A. Well, you haven't got it.

Q. Wait a moment; will you answer my questions, please; never mind Mr. Moss? A. There is an equity of \$16,000 in it; there is a \$75,000 mortgage, first and second; I was offered a profit of \$19,000 on it yesterday; \$15,000 last week or \$14,000; I bought No. 4, East Seventy-eighth street, property owned by Fannie Falk; when I say I bought I bought through my attorneys and brokers.

Q. Well, it is all right; they acted as your agents? A. It is a lot 22 feet by 82, house running 65 feet, four stories and basement; I put \$1,000 on the contract, and was offered \$5,000 profit.

Q. What is your equity there, or did you buy it outright? A. On the contract I was offered \$5,000 profit by Mr. — I think his name is Leopold Wallack, who was a brother to this woman Fannie Falk, from whom I purchased; there it a \$40,000 mortgage, \$10,000 equity; there is a house No. 13 West Twentieth street on which there is a first and second mortgage; my equity in that is \$2,500; I was offered a profit of \$5,000 on that.

Q. Any other piece? A. Anything that I told you there is susceptible of proof by sending after the people to-day.

Q. Go on? A. I bought the property last week 235 and 237 West Fourteenth street; it is 32 feet by 100, by 120 on one side; four story and basement; two houses on the 32 feet; brown stone; the property was purchased from Mandlebaum and Lewin; there is a 90 days' contract, a \$1,000 equity, and I was offered \$1,000 profit three days ago; there are three lots, two of them facing St. Nicholas Place, opposite One Hundred and Fifty-third street, 50x100, and a lot on Edgecomb avenue that backs

on the northerly lot of those two, 25x100, on which I was offered a profit of \$6,000; that is \$2,000 a lot.

Q. What is your equity there? A. Eight thousand dollars.

Q. Well, any other property? A. Not that I can recall; I got something that I made \$10,000 on.

Q. In real estate? A. Yes, sir.

Q. But you haven't title to it now? A. I parted with it.

Q. What you hold now, I mean? A. I thought it might be essential that you know it; you have some that I held and disposed of; I thought I would give you this.

Q. Have you been made an offer for No. 4 East Seventy-eighth street? A. I told you that I was offered \$5,000 when I had \$1,000 up; I wouldn't take it because the property is worth \$65,000; the house on the west side of it cost \$115,000 and the house on the east side of it cost \$105,000; it is a new house.

Q. We find according to computation now on these recent investments of yours within a comparatively brief period of time — within a couple of months or a couple of weeks, did you buy these parcels that you have described? A. Oh, they vary possibly over a year or two; some of them; but there are some recent ones there that I told you; the one in Seventy-eighth street, No. 4, was purchased within 60 days, I think.

Q. I find according to computation here that your equity in the parcels of property you have described amounts to \$37,500, and that profit on your sales or upon your investments amounts to exactly \$30,000? A. More than that; No. 112 West Forty-second street, as I told you, two houses, a lot 25x100, I was offered a profit yesterday of \$19,000 on; \$15,000 last week, or \$14,000; they went up \$5,000 yesterday.

Q. You were offered a profit of \$5,000 on Seventy-eighth street? A. From Mr. Leopold Wallack.

Q. And you have been offered a profit on 133 West Twentieth street? A. I have an equity of \$2,500 in that; I was offered \$5,000 profit.

Q. On 235 and 237 West Fourteenth street? A. I have a 90 day contract on that, and I was offered \$1,000 for the contract; \$1,000 up.

Q. On the three lots in St. Nicholas avenue? A. Six thousand dollars.

Q. That is \$36,000 profit that you have been offered on your investments with an equity, according to your own estimate, of

\$37,500, which would make \$73,500 just now? A. If there is any doubt or any possible doubt about what I told you I will give you the names of my brokers; they are John L. Golding, No. 11 Pine street, and you can send for him or you can send for Mr. Wallack, the attorney, who is a brother of the lady who I bought that property from in Seventy-eighth street, or you can send for Mr. McCall and he will explain the whole matter to you.

Q. It strikes us as very peculiar that the brother, Mr. Wallack, who is an attorney and a brother of the lady, Mrs. Falk, who sold you this property, should immediately offer you a profit of \$5,000 upon a purchase from his own sister? A. He didn't offer me; he offered Mr. McCall, and he wanted it for a gentleman named Smith.

Q. John Smith? A. I think he can tell you, Mr. Goff.

Q. Well, have you any other real estate? A. None that I know of.

Q. And the real estate that your wife has? A. That is her real estate; anything I have got belongs to her.

Q. Let us get through with that, please; the house in Twenty-second street, what is the value of that to-day free and clear? A. I don't think it has increased any.

Q. Well, it is worth \$20,000? A. I think so, yes.

Q. And the Convent avenue lots, what are they worth? A. I don't think that they are worth much more than was given for them; they cost seven thousand and odd dollars.

Q. Seven thousand six hundred and seventy-five dollars? A. Something like that.

Q. Now, is that all the real estate your wife has? A. That is all that I remember.

Q. Do you think you would forget if she had any other real estate? A. I don't think I would be likely to forget.

Q. So that according to your own estimate now, you and your wife have real estate valued at \$65,175 at the price of the original investment, and you have been offered a profit upon your recent transactions, amounting in round numbers to \$36,000, which may be said to represent the increased value of the estate, that makes a total of \$101,175? A. It may be worth more than that, because I would not sell the properties for what was offered to me.

Q. I am not taking the speculative value; I am simply taking

the actual value? A. You are going into the speculative when you say it is worth over \$100,000.

Q. I have taken your figures, the equity in the property and the profits that you have been offered? A. Well, the speculative value to my mind is more than you put it at.

Q. How much more? A. Well, I wouldn't sell that property, 112 West Forty-second street, short of \$120,000, and \$65,000 for the one in Seventy-eighth street that I was offered \$55,000, for I think that property in West Twentieth street is certainly worth \$16,000; I was offered a profit of \$5,000 on it; if they offered \$500 more I would let it go.

Q. Now, the next? A. Which is the next?

Q. There are three parcels here; you have more parcels? A. What one do you want; the next one?

Q. The next one; any other parcel; give us the value; you have given us the value of three parcels? A. Well, I will take \$40,000 for that one on Fourteenth street, 235 and 237; I have a 90 day contract with \$1,000 up.

Q. The next one? A. There is a property on St. Nicholas place that I think consists of three of the finest lots in New York; I don't know that I ought to sell them short of \$34,000; they cost me \$25,000; when I say that, I mean that I invested my money in that way; I am not in the real estate business.

Q. That makes a total of \$319,000 exclusive of your own investments; how much mortgage was on that? A. Oh, you mean on the whole properties?

Q. Yes; outside of your investments; I mean these recent investments of yours; they foot up a valuation of \$319,000 on your estimate; now will you give us the amounts of mortgage on these? A. You don't want that one on which I only hold a contract, do you, in West Fourteenth street; I have a 90 day contract with \$1,000 up; if I have to take title to that I can get first and second mortgage for \$30,000; that is in the contract; I will have to put up \$6,000 more.

Q. That is \$36,000 on that place; now any mortgages? A. On Twentieth street there is a first and second mortgage for \$50,000.

Q. Inclusive? A. Yes, sir; \$2,500 regularly.

Q. Any other mortgages upon the property? A. There is a \$40,000 mortgage on that Seventy-eighth street house.

Q. Any other mortgages? A. There is \$75,000, first and second, on the Forty-second street house.

Q. Any other mortgages? A. I think that there is a mortgage held by the Equitable Life on that St. Nicholas Place property for \$17,000, the three lots; I think there is about an \$8,000 equity there.

Q. Now, any other mortgage? A. Not that I know of.

Q. Adding \$27,000 or the old investments to that, according to your own figuring — and deducting everything that you have suggested, we find \$128,000; deducting mortgages, purchase money on contracts and everything, it leaves \$128,000 of real estate that you are actually worth to-day? A. In equity?

Q. In equity? A. No, sir; I can not be worth that.

Q. One hundred and twenty-eight thousand dollars? A. No, sir.

Q. We have carefully followed your figures? A. You are mistaken about it.

Senator O'Connor.—That includes the value he sets on the property now.

Q. It is your own valuation? A. Not what I actually paid; my equity in it.

Q. You see we take your figures representing your equity and the advance money that you have been offered? A. I can not help what you take; the only thing I actually own is what I have invested there.

Q. We have taken your prices, your equities, and the advance prices which you have been offered which would represent an actual value; and we find that that foots up \$101,000 and there are \$27,000 of your own investments, the Twenty-second street house where you reside and the Convent avenue lots, making \$128,000 in round numbers — property owned by yourself and your wife included? A. I can not see it in that way.

Q. Now, what is it worth? A. If you bring in a real estate man he will give you an idea of what it is worth.

Q. Can you not give us an estimate as to how much real estate you have to-day, in value, both in your own name and in your wife's name? A. Only the equities and I have repeated them to you.

Q. What is the value of the equities? A. Any value that any real estate expert would put on.

Q. And we put, according to your own figures, \$128,000? A. What I think it is worth; I may be wrong about it.

Q. What? A. What I think it is worth.

Q. You think it is worth that? A. Yes, sir.

Q. And you have refused to sell your property for these offers that you have received? A. Yes, sir.

Q. That shows the faith you have in your judgment that you believe the property to be worth more, and that figures \$128,000? A. I don't care what you put on it; that is not what I actually paid for it.

Q. We are not asking you that? A. Well, you can put any figure you like on it.

Q. I am not putting any figure at all; I am putting your own figures on it; we have it, after your own figures, that you have real estate to-day valued at \$128,000; you started in life with a capital of \$6,000? A. That is any way to put it.

Q. Where did you get that money to buy that property? A. I told you where I got it; I told you my wife was in business—

Q. Where did you get it; how can you account for it; I will give you every opportunity that you may ask for to account for it? A. Let me appeal to the chairman; is it fair to put a valuation on property and say that I own so much when I only own the equity in it?

Q. That is the equity? A. No, it is not the equity.

By Chairman Lexow:

Q. Mr. Goff has taken your own figures as your value of the property; you can answer by stating that the original investment was so much? A. I gave the original investments.

By Senator O'Connor:

Q. What do they amount to? A. I gave them to him, but he has added up what I think they are worth.

Q. How much of that property that you think is worth \$128,000— A. Give me a pencil and I will tell you what the original investment is.

By Mr. Goff:

Q. Now, tell us the houses according as you figure them? A. I will put it all down for you and hand it to you.

Q. No, you speak them off; it will save time? A. Well, my

residence, No. 449 West Twenty-second street, there is \$20,000 equity in that.

By Senator O'Connor:

Q. You mean by equity, what you invested in it? A. Yes, sir; I don't own it; my wife owns it.

By Mr. Goff:

Q. There is no mortgage on that house at all; it is \$20,000? A. The Convent avenue lots, \$7,675.

Q. That is all paid off, that is clear? A. Thirteen West Twentieth street; I have \$2,500 equity in that.

Q. Let us find out about that before you go any further; what did you pay for it? A. Fifty-two thousand five hundred dollars.

Q. Fifty-two thousand five hundred dollars? A. Yes, sir.

Q. How much mortgage is on that house? A. First and second mortgage, \$50,000; the first mortgage was held by the Equitable Life.

Q. Two thousand five hundred dollars equity? A. Yes, sir.

Q. Now, the next piece of property? A. St. Nicholas place.

Q. What did the St. Nicholas place property cost? A. I think about \$25,000; I bought them from a speculator that had bought them at the sale; I think I gave him \$500 advance on each.

Q. What did they cost you? A. I think they cost me in round numbers \$25,000; I have an equity of \$8,000 in them.

By Chairman Lexow:

Q. Then you paid \$8,000? A. Yes, sir.

By Mr. Goff:

Q. Now the next piece of property? A. There is an equity in the Forty-second street piece of \$16,000.

Q. How much did you pay for that? A. Ninety-one thousand dollars, bought from Mandlebaum and Lewin, real estate operators.

Q. How much cash? A. There was \$2,000 put up on a 90 day contract; there is \$16,000 equity in that; there is \$75,000 first and second mortgage.

By Chairman Lexow:

Q. But you haven't paid more than \$2,000? A. Yes; I have paid \$16,000.

Q. You have taken the title? A. Taken title.

Q. Now, the next piece? A. Seventy-eighth street; there is a mortgage of \$40,000; there is \$10,000 equity in that.

Q. Now, West Fourteenth street? A. There is only \$1,000 in that.

Q. What did it cost? A. I got a 90 day contract and put up \$1,000; the purchase price was \$37,000.

Q. How much were you to pay? A. I got a 90 day contract, and I only held the property 10 days.

Q. How much were you to pay if compelled to fulfill the contract? A. I can get a first and second mortgage, provided for in the contract, for \$30,000; I will have to put up \$6,000 more, but that has nothing to do with it; I haven't paid that yet; I only put down \$1,000 for that.

Q. Is that all the property? A. That is all that I can remember; if there is any other I don't know anything about it; there is only \$54,000.

Q. See if I am correct in the offers; you were offered \$19,000 profit on the Forty-second street purchase? A. Yesterday, yes, sir; \$14,000 last week, and they raised it \$5,000 yesterday.

Q. On East Seventy-eighth street you were offered a profit of \$5,000; that is the Falk property, is that correct? A. Yes, sir.

Q. On West Twentieth street, were you offered anything on that property? A. Six months ago \$5,000; \$57,400.

Q. On West Fourteenth street how much were you offered profit on that? A. Well, I didn't hold that three days when I could sell it for \$1,000 on the contract, a \$1,000 advance.

Q. And on the St. Nicholas avenue a profit of \$6,000? A. Six thousand dollars, yes, sir.

Q. Your memorandum here is incorrect? A. In what way, Mr. Goff?

Q. What is your equity in Seventy-eighth street? A. That is wrong, \$10,000.

Q. You see you had it down here as \$1,000? A. As \$1,000 for Fourteenth street, I mean.

Q. Then you will make that Fourteenth street, \$1,000? A. Ten thousand dollars in Seventy-eighth street, No. 4 East.

Q. Now, I think we have it in your figuring correct; I find that the cost of all the real estate owned by yourself and wife amounts to \$283,175; that the aggregate mortgages on all those pieces of property, the mortgage and the unpaid purchase money amounts to \$213,000; leaving clear value in the property over and above advances and mortgages, and making allowances for moneys to be paid, leaves a clear balance of \$65,175; now, according to your own testimony, that has been advanced by actual offers, which you have refused, in the aggregate \$37,000, which taken as value added on to the \$65,175 which you have actually invested makes a total of \$102,175? A. Well, the only way to calculate them, to my mind, Mr. Goff —

Q. Never mind, I am not asking you that; that is the value of the property for which you can sell it to-day, according to your own testimony? A. Market value, yes, sir.

Q. One hundred and two thousand one hundred and seventy-five dollars; now, the amount of mortgages that you are carrying upon your property, amounting to \$218,000 at five per cent. yields an interest of \$10,900 — \$11,000 per annum, which you have to carry? A. You don't count the taxes in that?

Q. The taxes have to be added to that? A. Yes, sir.

Q. I am simply taking the interest? A. Yes, sir.

Q. You are carrying an interest of about \$11,000 per annum? A. Yes, sir.

Q. Can you give us any idea of the taxes? A. I think the taxes on that Twentieth street property is somewhere in the vicinity of \$500; I don't know what taxes are on the Forty-second street piece or the Seventy-eighth street piece.

Q. Here in New York we can understand about the taxes on these several parcels, but we have it here that you are carrying an interest account of about \$11,000 a year upon your mortgages? A. Well, I am not going to carry that a year.

Q. I am not asking you what you are going to do; I am simply taking things as they are; can you tell us, you an inspector of police since October 1, 1892 — A. October 3d, I think.

Q. Well, that is pretty near? A. We won't fall out about it.

Q. The amount of salary that you received while sergeant of police from July 20, 1884, to June 30, 1887, amounts to \$5,870; the amount of salary that you received as captain from June 30, 1887, to October 3, 1892, five years and three months, amounts to \$14,440; and the amount of salary that you received as an

inspector from October 3, 1892, up to a few months ago was \$5,900, making a total of \$26,210 that you have received as salary since 1884; you have to-day real estate for which you refused money amounting to \$102,175; assuming that you saved your salary, never spent a cent of it for the support of your family, that leaves a balance of \$76,000 between your— A. Well, the whole thing don't amount to \$76,000.

Q. Leaving a balance of \$76,000 between the amount of money you have actually received since you have been a sergeant and the amount of real property that you hold to-day; can you tell this committee how you acquired that \$76,000? A. You are mistaken about that.

Q. Can you tell us how you acquired it? A. Yes, sir.

Q. How? A. My wife acquired a lot in business.

Q. In what business? A. I told you how I would tell you.

Q. The police department of which you have been a member for so many years has been charged with rottenness and corruption and that every man in it has been guilty of accepting bribes—

Chairman Lexow.—I think you weaken your question, Mr. Goff, by adding to it the speculative values that the witness puts upon the property, and that your question would be stronger and therefore the answer more satisfactory if you limited this entirely to the amount of money that he actually put in.

Mr. Goff.—I understand that, and I intend to reach that at the proper time. I am simply taking the market value of the property now.

Senator O'Connor.—About \$37,000 of that he has never had.

Mr. Goff.—He can sell the property to-day for that money, he says. Now I propose to put the question to him in the way suggested by you.

Chairman Lexow.—Of course he can account for that by speculative profits to that extent.

Mr. Goff.—We will take it on that score and I will ask—

Chairman Lexow.—I think a fair way is to ask the witness where he got that \$64,000.

Mr. Goff.—We will take it in that way. He has property now that cost him actually \$65,000; that is, the property that he has now. He received in salary \$26,000 since he has been made sergeant, since July, 1884.

Senator O'Connor.—What is his salary as inspector?

Mr. Goff.—Three thousand five hundred dollars. Altogether he has received as salary as captain, sergeant and inspector \$26,000. Taking \$26,000 from \$65,000 leaves \$39,000 to-day actually in real estate.

Q. Now, can you explain to us where you got that \$39,000?

A. I tried to explain to you, but you wouldn't permit me in any way.

By Chairman Lexow:

Q. Now, go ahead and say what you please on this subject

A. I have been investing in real estate, buying options and buying real estate itself; I tried to tell you about a corner that I had and sold and made \$10,000 which is a matter of record; the northeast corner of Liberty and Washington streets, which is 75 by 50, I think the dimensions are; I bought that corner from Lyman Denison on a 90 day contract with \$2,000 up; I didn't sell it in the 90 days and I took title to it, putting up a balance of \$13,000; that was \$15,000; I traded that.

By Mr. Goff:

Q. When was that? A. Not long ago, within a year or 18 months at the outside.

Q. Proceed? A. I traded that property with a Captain Zabriskie, who I think is a captain in the Seventh regiment, a very wealthy man, and took in trade three houses in East Thirty-second street, between Second and Third avenues, at \$100,000 and got \$25,000 besides; now, my lawyer could explain that whole thing to you how it was done and all that sort of thing, Mr. McCall, if you sent after him.

Q. Now, is there anything else? A. I was interested in some little real estate deals at different times while I was captain in the precinct down there, the Real Estate Exchange being in there, with different men, whereby I made a few thousand dollars each time.

Q. Will you give us the deal? A. Well, there is Mr. Andrew Freeman, whose office is at No. 120 Broadway; I was with him in two deals; a house in 50 odd street somewhere; I don't know just exactly the street, and there was a house in Trinity Place; I was interested with him in both cases.

Q. Well? A. I was interested with Mr. Asher Weinstein in an apartment house on I think Thirty-sixth street, in which

I put up a little money and made \$1,000; he gave me \$1,000 for my part of it, and my wife has been in business for 20 years in which she made lots of money; I don't know how much money she has.

Q. Is that the business you refused to tell us the nature of?
A. Yes; unless my counsel tells me to.

Q. Who supported the family all these years? A. My wife did; my wife supported the family with what I gave her.

Q. Did you give her sufficient to support the family? A. Always did.

Q. Did you support the family? A. I helped; I helped, I suppose.

Q. Didn't you have the full expense of your family's support? A. I suppose I did.

Q. And then this money, have you not been spending pretty well your compensation in support of your family; you have got a nice family, and tried to keep them in comfortable circumstances? A. Yes, sir; there is nothing I can get for them they can not have.

Q. As a matter of fact you could not save much out of your salary? A. Not much money I guess.

Q. Not much money; any man in New York supporting his family in comfortable circumstances could not save much money out of that salary? A. No, sir.

Q. Now, the money you have invested in this real estate you did not save out of your salary? A. I don't know; I gave my wife my money, and did not know what she done with it; and any time I wanted money I could go and get it.

Q. Have you any money or property other than you have told us? A. I have \$1,500 in the savings bank.

Q. Have you got any certificates of trust? A. No, sir.

Q. Or any stocks? A. No, sir.

Q. Or any one for you in trust? A. Nobody.

Q. No bonds or mortgages? A. I have told you two or three times, Mr. Goff, all I —

Q. Answer my question; any bonds or mortgages? A. Nothing.

Q. Have you got any gold in deposit in a company? A. No, sir.

Q. Have you got any money on deposit in any trust company? A. No, sir.

Q. Or any private individuals or merchants? A. No, sir.

Q. Are you interested in any business enterprise now? A. Yes, sir.

Q. What is it? A. I am interested in a mine with my brother-in-law, Mr. Fred Hills; I have got money invested in it in Webb City, Missouri, called the Tenderfoot Mine.

Q. Does that yield any profit? A. Not much; no, sir.

Q. It is not as well-paying an institution as the "Switch"? A. It is not as well completed, Mr. Goff.

Q. And have you got money invested in any other business? A. No, sir; none other than that.

Q. Can you tell us what money or property your wife is possessed of outside of the real property we have talked of? A. What do you mean; in bonds?

Q. Yes? A. Nothing I know of.

Q. She may have a large sum of money you do not know of? A. Yes, sir.

Q. Well, inspector, how is it that you have money in the savings bank now and you failed to put the \$40,000 that you received from the "Swith" in the savings bank? A. My wife gave me \$4,500 to put away.

Q. What? A. My wife gave me \$4,500; I think \$2,000 of it to invest for a boy we have got, one of our children.

Q. It is a peculiar thing that these real estate—these large real estate transactions which I have described here have all taken place since you have been inspector, since 1892? A. I gave you the dates there, Mr. Goff.

Q. So they are all since 1892; how is it your real estate business branched out so largely since you became inspector? A. I think I got better information since I became inspector.

Q. Better information where? A. About property.

Q. Since you became inspector? A. Yes, sir.

Q. Because you were inspector? A. Oh, no; not because I was inspector.

Q. You are inspector of the detective bureau? A. Yes, sir.

Q. And have been since you have been appointed? A. Since the 3d of October, 1892.

Q. Did you undergo a civil service examination? A. Yes, sir.

Q. Now, I want to ask you a few words in relation to this detective bureau, while I think of it; how many detectives have you under your command? A. I have got a list of them if you will permit me to use it.

Q. No; give us the round numbers? A. I think there are 35 detective sergeants and 30 detectives.

Q. What precinct were you first in, captain? A. As what?

Q. As captain; I ask you as captain? A. The First precinct.

Q. That is the Old Slip station? A. Yes, sir; from the 30th of June, 1887, I think, until the 12th of January, 1892.

Q. While you were in command of the Old Slip station every builder in that district was blackmailed by your wardman, Burns? A. Not that I was aware of.

Q. One of the builders swore he went into the station-house and that you were there when he complained of the exactions of the wardman, and you did not interfere or say a word? A. I was not there.

Q. You were not there? A. No, sir.

Q. Is it possible that a wardman acting under your immediate orders, and subject to your immediate command, could go around and blackmail the builders in your precinct and get money from them without your knowing it? A. Not of my knowledge.

Q. Is it possible he could do it without your knowledge? A. I haven't any information about what—

Q. Is it possible he could do it without your knowledge? A. He might have done it.

Q. It has been sworn here that he did do it; are you prepared to contradict that sworn testimony? A. That he did not do it?

Q. It has been sworn here he did do it; are you prepared to contradict that testimony? A. I do not know he did it.

Q. You can not contradict it? A. I do not know who did it.

Q. I am not asking that. You are not prepared to contradict it? A. I can not tell you.

Q. And the sailmakers were also blackmailed during your captaincy of that precinct by paying so much a month to your wardman; is it possible a wardman can go around and blackmail the sailmakers in their sail lofts in South street without your knowing it? A. I did not know anything about it.

Q. Is it possible he might have done it? A. Yes; any policeman might have done it.

Q. Who was the wardman or ordinance man while you were captain in that precinct? A. He was a wardman; he was not

an ordinance man; I never had any special collectors or any kind of collectors.

Q. You took him from there to your uptown precinct? A. I took him from the Eleventh precinct.

Q. And you took him from the Eleventh precinct to the Tenderloin? A. No, sir.

Q. Why did you take Burns to the Eleventh with you? A. Because all I ever saw about Burns, that he was a conscientious, brave fellow, and on those grounds I took him with me.

Q. While he was blackmailing the merchants and builders every month in your precinct you found this man a conscientious, brave fellow? A. All I saw of him.

Q. As captain of the precinct? A. Yes, sir.

Q. And acting under that belief and impression that he was conscientious you took him with you to the Eleventh? A. Yes, sir.

Q. He was with you all the time you was in the Eleventh? A. No, sir; he was not.

Q. How long was he with you in the Eleventh? A. I went to the Eleventh precinct on a transfer there on the 12th of January, 1892; and I think I made application for him and a man named Nugent some time in the latter part of February, or maybe in the middle of February.

Q. It has been sworn to here by a great number of witnesses that when you went into the precinct the initiation fee was raised for every house of ill-fame in that precinct from \$250 to \$500; that has been sworn to; can you contradict that? A. Not with my knowledge.

Q. Can you contradict that such was not the fact? A. I say I knew nothing about it.

Q. Can you contradict that such was not the fact? A. I know nothing about it.

Q. Will you contradict that testimony here? A. Will I contradict it?

Q. Yes? A. I knew nothing at all about it, only I heard—

Q. Will you swear it is not true? A. I will swear that what one woman said here about me is not true.

Q. Will you swear that evidence is not true? A. I can not swear.

Q. Is it possible that blackmailing to such an extent could be carried on in your precinct without your knowledge? A. To what extent?

Q. To the extent sworn to here? A. I don't know what it was; I only heard—

Q. Is it possible such blackmailing could be carried on without your knowledge? A. It might be.

Q. It has also been sworn to that houses of ill-fame paid \$50 a month while you were captain of that precinct; will you contradict that? A. Not with my knowledge they did not pay.

Q. Will you say that testimony was untrue? A. I can not say it, because I don't know.

Q. And it may have been possible that that blackmail had been collected without your knowledge? A. It might be.

Q. And this blackmail was collected, it has been sworn to, by this man you had found so brave and so conscientious? A. I don't know nothing about it.

Q. Wardman Burns; this blackmail was collected by him; and yet you recognized him as a brave and conscientious man? A. I told you all I knew about him.

Q. Did you recognize him as a brave and conscientious man in the Eleventh? A. In the Eleventh?

Q. Yes. A. I had more experience with him in the First.

Q. Did you recognize him as a brave, conscientious man in the Eleventh? A. Yes, sir.

Q. And you, as a police captain, testified to that fact here that it is possible, and has been possible for a wardman to carry on an extensive system of blackmail without your knowledge as his commanding officer in that precinct? A. I don't know a thing about it.

Q. You do not know a thing about it? A. No; never heard of it until I heard of it here.

Q. Well, wasn't it your duty to know? A. If it came to my knowledge I would know it.

Q. Wasn't it your duty to find out? A. How could I find out if I did not hear it.

Q. What is the captain of the precinct for anyway? A. I raided 32 houses in three months.

Q. You were either negligent or corrupt? A. No, sir.

Q. If you did not know about it it was your negligence? A. It is merely a decision of your own.

Q. Weren't you? A. No, sir; I was not.

Q. If you were not negligent you must have been corrupt?

A. No, sir; I was not.

Q. How could it have occurred under your control of the first precinct and of the Eleventh; how could it occur? A. It is liable to occur in any precinct.

Q. Explain if you can how all the disorderly-houses in the Eleventh could have remained open and paid blackmail without your knowledge? A. It don't show they remained open; I arrested 32 of them there and 11 of them closed under me.

Q. I am not asking for your arrests at all; explain how they could have occurred and continued? A. I closed two houses that were in existence 10 years.

Q. I am not asking what you closed; how could that state of things continue and exist in that precinct without your knowledge? A. I did not know that they did exist; I did not know anything about it until I heard of it here.

Q. What did you do as captain of police anyhow? A. I arrested the violators of the law any place I ever was.

Q. You closed up two houses that had been open 10 years? A. I closed up 11 houses.

Q. How many houses were there in the precinct? A. There were possibly 50; I raided 32.

Q. Out of 50? A. Yes, sir.

Q. Why didn't you raid the 50? A. I was not there long enough; I was there only two months, and could not get the evidence in that time.

Q. How did you know there was houses then? A. By sending men out and looking them over.

Q. That is, you got the evidence? A. Yes; for 32.

Q. Why didn't you close them? A. I am not the custodian of those people; I could not keep them closed.

Q. You were captain of police? A. Yes, sir; but you can not suppress prostitutes.

Q. I am asking you as to the enforcement of the law? A. I did everything available that a police officer could do.

Q. It was in your power to close all the houses there? A. No, sir; I could arrest them; I could not entirely close them.

Q. Arresting would be closing? A. No; I did arrest 32; some of them I closed and some of them I did not.

Q. A brother officer of yours has been on the stand and said any captain of a precinct in New York can close up any house

he wants to; did he swear to what was true or untrue? A. I can not answer for him.

Q. Did he swear what was true or untrue when he said any captain in the city could do what he had done? A. If he in his judgment thought so; that is his affair.

Q. I am asking you as a fact? A. I can not answer for him.

Q. Was that correct or incorrect? A. I could not tell you.

Q. When he said that any captain in the city could do what he did in his precinct if he wanted to, was he correct or incorrect? A. What did he do?

Q. He swore that he closed every house of ill-fame, and every gambling-house in his precinct inside of three months? A. He did, eh?

Q. That is what he swore to? A. I don't know anything about it.

Q. That is in the Fifteenth precinct? A. I don't know anything about what he done; I know that I tried very hard to effectually close those places, and I did not succeed only in 11 cases; I arrested 32 of them.

Q. Did you go down to the district attorney's office to get indictments? A. I sent reports to the district attorney's office relative to the owners and occupants of the different places.

Q. And that is all you did? A. I arrested them besides.

Q. Now, it has been reported that you took this wardman up there because you relied upon him as a good, honorable collector? A. No, sir; he never collected.

Q. The grand jury of the county has since indicted him as a bribe-taker, do you know that? A. What is that?

Q. The grand jury of this county has indicted this brave and conscientious officer? A. I heard so; yes, sir.

Q. Who was your wardman down in the First? A. It was — the precinct detective, do you mean?

Q. Yes. A. James Oates and Andrew Nugent.

Q. Why didn't you take one of those men up to the Eleventh? A. I did.

Q. Why didn't you take the two? A. Why didn't I?

Q. Yes? A. Because one of them wanted to remain there.

Q. And then you took the ordinance man? A. Yes, sir.

Q. Where did he go after leaving the Eleventh precinct? A. I think he was transferred uptown somewhere.

Q. Who was your precinct detective while in the Tenderloin? A. I did not have any there, I think, until the month before I came away.

Q. Who were they? A. A man of name of Madden; Madden, I think.

Chairman Lexow.—Mr. Goff, we are anxious to adjourn at 6 o'clock to-night.

Senator O'Connor.—I have got to take the train to go home, and must go home to-night.

Mr. Goff.—We can not adjourn until we get our testimony in. You will have a quorum here.

Chairman Lexow.—No; if one of us leaves, there is not a quorum.

Mr. Goff.—Then let the committee appoint a subcommittee to take the testimony.

Senator O'Connor.—We have no authority.

Mr. Goff.—In the case of necessity?

Senator O'Connor.—The committee of the Senate can not have a meeting without a quorum present.

Senator Cantor.—Except by special resolution of the Senate, you can not appoint a subcommittee, Mr. Goff.

Mr. Goff.—I know, but frequently, during the course of our testimony, we have had two Senators on the bench.

Senator O'Connor.—The rest of them have been scattered through the audience; they have been here.

Senator Cantor.—I have no objections so far as I am personally concerned of sitting here, but I submit the committee has no power to transfer any of its power to a subcommittee except by a resolution of the Senate, still I have no objection to sitting here.

Mr. Goff.—I have Superintendent Byrnes under subpoena, Senators, I do not think that this investigation would be complete, or should be complete except upon the taking of his testimony. If the Senators can not sit to-night any longer then let us convene again on Monday morning.

Chairman Lexow.—You see, Mr. Goff, we have to leave on Monday afternoon for Albany, to be absent probably four months, we have not had any time to prepare for that departure and so far as I am concerned it would be impossible for me to sit on Monday, because I have to attend to personal matters on that day. I would rather sit to-night until midnight than do that; at the same time it is a great strain on all of us, and Senator O'Connor wants to take the 6 o'clock train home, if he can.

Senator O'Connor.—Not 6; it leaves some time after 8. It takes some time to get away.

Mr. Goff.—Couldn't you postpone your departure to-night.

Senator O'Connor.—Not much. I want to be with my family over Sunday. I have been absent a good deal all summer, and will be away all winter and want to get home Sunday.

Chairman Lexow.—Let us go on, Mr. Goff.

Mr. Goff.—If you determine, gentlemen, to conclude at that time, that is what I would like to know now.

Chairman Lexow.—If you say you desire to examine the superintendent to-night, I am willing to stay until 12 o'clock to-night to do it.

Mr. Goff.—I am just in this position, Senators; if you determine to adjourn at a given time I will discharge this witness and call Superintendent Byrnes immediately, and do what I can to conclude in that time; and if you do not determine to close at a certain hour this evening I will finish this witness as soon as possible and call Superintendent Byrnes next. When I ask you now to determine whether you will close now or at 6 o'clock, give me the time definitely so I can make best use of the time I can.

Senator O'Connor.—We will sit here until 7 o'clock; I will sit here until 7 o'clock.

Mr. Goff.—Then that is the decision of the committee.

Senator Bradley.—I do not see why a few members of the committee can not sit here. We will stay here until morning; if necessary.

Mr. Goff.—I know; but it is better to understand it now. A question might be raised as to their not being a quorum present if Senator O'Connor leaves at 7 o'clock. I will do my best to close at 7 o'clock. I will hurry and pass over a lot of matters I would like to examine this witness upon and go to the succeeding witness.

Chairman Lexow.—It seems to me if, after eight months of investigation, there is any important testimony to be taken we ought to go to the extent of our ability to give you ample time to put in all the testimony you want; and as I say, I am prepared to sit here until midnight to-night; but if you think you can conclude with Superintendent Byrnes at 7 o'clock it would accord better with Senator O'Connor's convenience to

have that time fixed. If, on the other hand, you can not, I am in favor of sitting as long as possible to accomplish the purpose.

Mr. Goff.— Very well, I will use my best endeavors to conclude at 6 o'clock.

Q. Captain, when you were in command of the Eleventh precinct, do you remember a woman of the name of Berger, who kept a house of ill-fame there? A. No, sir.

Q. Berger? A. No, sir.

Q. No. 43 Forsythe street? A. No, sir.

Q. Was there a house of ill-fame at No. 43 Forsythe street? A. Possibly there might be; if there was a house there I have a record of it; I can not recall it now.

Q. Did you make reports to headquarters every month? A. I think so— every day.

Q. Of alleged houses of prostitution? A. I think there was reports, one daily, possibly every week, I don't know which.

Q. Where did you put them in, alleged or reputed? A. Alleged and reputed both.

Q. Did you ever see Mrs. Breger at the station-house? A. I don't remember.

Q. Did you ever send for her? A. Not that I remember.

Q. Will you swear you did not? A. Yes, sir; I never remember sending for any prostitute while I was there.

Q. Do you remember that next to her house a building was under construction, next to 45 Forsythe street? A. No, sir; I don't remember anything about it.

Q. You don't remember anything about any specific house? A. Nothing about any building next to 45.

Q. Do you remember Mrs. Schubert? A. I remember arresting her; she testified I did not or any other policeman arrested her; she was indicted.

Q. When did you arrest her? A. I think on the 30th of January, 1892.

Q. Where did you bring her to? A. Essex Market court.

Q. What disposition was made of the case? A. She was put under \$500 bail.

Q. What was the result? A. She went down to Judge Cowing after the indictment and plead guilty and was fined \$500.

Q. Are you giving this from your memory? A. Yes, sir; and from the record of the court.

Q. Have you got the record? A. I have got it in the office;

that woman made a false statement and perjured herself about me; and she swore she gave me \$500, and I thought it my right to bring it here; I will get it for you.

Q. By the way, since you were so interested in Madam Schubert, why didn't you keep her here? A. You had charge of her.

Q. Now, don't get reckless? A. Well, now, it is hearsay with me.

Q. It is hearsay; very well; if it is hearsay then don't indulge in it.

Chairman Lexow.—I think it would be better for you, witness, to defend yourself, and not attack counsel.

A. If I ever attacked counsel I never meant to; all I meant by that, Mr. Chairman, was that she was in the custody of the committee, as I understand it, that was all; no offense meant.

By Mr. Goff:

Q. Why did you let her escape? A. Because we were forbidden by the board of police under resolution to interfere in any way with the Lexow witnesses.

Q. You were sent after her? A. I was sent after her after the ship that she had went on had sailed from Hoboken pier, and I was given the name of a ship that belonged to the French line to go to; if you were—

Q. If you were forbidden to interfere with the Lexow witnesses, why did you go to the ship? A. Under instructions of Assistant District Attorney Wellman.

Q. He is not an officer of the department? A. He had authority for President Martin.

Q. Did President Martin give you orders? A. He told me that President Martin desired me to do that.

Q. Are you in the habit of taking your orders from your superiors through a third party? A. I will go on what Mr. Wellman said.

Q. If you were acting under the impression that you were not to interfere with Lexow witnesses, and you knew that this woman had made a serious charge against you of accepting bribes from her, why did you not as inspector—chief inspector of the detective department of the city of New York—see that that woman was kept here in order that her testimony could clear you? A. I had nothing whatever to do with it.

Q. Was not your reputation involved? A. Yes, sir.

Q. And your reputation as chief of the detective bureau involved to such an extent as to the acceptance of a bribe, was it not incumbent upon you not only in your individual capacity but in your official capacity to see that the woman did not leave the jurisdiction? A. No, sir; I had nothing whatever to do with it.

Q. And you conveniently got there ten minutes after the ship left? A. I only obeyed instructions.

Q. Who gave you instructions? A. Mr. Wellman, the assistant district-attorney.

Q. What instructions? A. That that woman was to leave on the ship called the Normandie at 5 o'clock, at the foot of Clarkson street, or Morton street; and I hired a cab with Detective Clark at the Metropolitan hotel and drove down there as fast as I could, and when we got back we ascertained she had left by the Normania from Hoboken.

Q. It was Mr. Wellman's mistake? A. Yes, sir; he received a telephone from somebody.

Q. He received a telephone from Hoboken? A. I don't know where he received it from or from whom.

Q. The mistake is Mr. Wellman's? A. Not mine.

Q. It is not yours? A. No, sir.

Q. It was Mr. Wellman said to you the Normandie? A. Yes, sir.

Q. And told you the pier to which you should go to arrest her, or take her? A. Yes; said she was leaving there.

Q. You had no warrant? A. No, sir; I would have to arrest her on sight.

Q. Why would you arrest her on sight? A. Because Mr. Wellman instructed me to.

Q. Do you mean to say, as inspector of the department you would arrest a person because a man not an officer told you to? A. He was an officer of this county.

Q. He was acting as assistant district attorney at that time? A. He was an assistant district attorney.

Q. He was acting as such in the police department? A. I am an inspector, whether I act as such or not.

Q. An assistant district attorney has no right to direct an illegal act to be performed; do you mean to tell us that is your understanding of your duties? A. If he has not the right the fault lies with him; not with me.

Q. I want to know your understanding of your duties, that as chief of the detective force of this city, you would receive and

obey orders from an assistant district attorney, without inquiring as to the right or wrong of those orders? A. Yes.

Q. Is that a fact? A. Yes, sir.

Q. That is interesting to the citizens of New York to know? A. I have not made many mistakes, Mr. Goff.

Q. I am not criticising your mistakes; I am simply wanting to know the intelligence that controls our detective department in this city; and you were interested in this woman before since she had made a false charge against you; naturally you were interested in having yourself vindicated, were you not? A. I think she ought to be put in jail; yes, sir.

Q. You never made an application to have her arrested for making a false charge? A. No, sir.

Q. You never made a complaint against her to Mr. Wellman, the assistant district attorney? A. No, sir; I have spoken to him about it.

Q. Did you ever say you wanted to have that woman prosecuted? A. Yes, sir; I told him I thought she ought to be indicted, and would like to have her indicted.

Q. Did you ever go before a magistrate to make a complaint? A. No, sir.

Q. Did you ever go to the district attorney's office to make a complaint? A. No, sir; I was forbidden by the resolution by the board of police.

Q. Yet as you went on in these trials you knew this woman to be a perjurer, did you not—in the police trials? A. She proved herself to be.

Q. You knew in her testimony against you she had perjured herself, positively; and you stood by while this woman testified on several police captains' trials up there, did you not? A. Yes, sir.

Q. And on her testimony several police captains were broken, were convicted of the offenses charged? A. One or two, I think.

Q. Well, even one, on her testimony; and yet, on the testimony of this woman, that you believed to be a perjurer, you allowed a brother officer of your department to be convicted? A. I didn't have nothing to do with their conviction.

Q. You stood by and did not open your mouth against this woman that convicted your brother officers? A. I had not anything to do with it.

Q. The character of this woman was well known in the pre-

cinct, was it not? A. I testified in Captain Cross' trial, and denied what she had said about me; I told about her arrest, etc.

Q. You say her character and reputation was well known in the precinct? A. As a bad woman; yes, sir.

Q. And as a woman upon whose word no credence could be placed? A. Well, her character was portrayed over there to everybody — sworn to.

Q. And yet that is the best explanation that you, as the chief detective of this city, can give to allow Mrs. Schubert to get out of the State, that Mr. Wellman gave you the name of the ship as the Normandie, and you went in your innocence to Morton street? A. I do not want to go behind my innocence.

Q. If you were interested, as you should have been, as you say you were, in keeping this woman here in order to clear your own character, you mean to say you would not have had that woman shadowed so she could not leave this city? A. I was forbidden not to interfere with her in any way; I was as sincere in my effort to arrest that woman as anything I ever done in my life.

Q. Do you remember the first Christmas that you spent while in command of the first precinct? A. Where I spent my first Christmas?

Q. You remember that first Christmas; I do not ask you where; you remember that Christmas? A. No, sir; I do not particularly remember it.

Q. Don't you remember when the policemen of your command contributed to a silver service to present to you or your wife? A. There never was any presented to me, and if to my wife I knew nothing of it.

Q. Was there ever any silver service presented to your wife? A. Not to my knowledge.

Q. Could there have been without your knowledge? A. There could have been.

Q. Just as any disorderly-house could flourish without your knowledge; just the same as your wardman's blackmail without your knowledge? A. Without my knowledge.

Q. Your wife may have been the recipient of a silver service contributed to by the policemen without your knowledge; I am asking you could she have received it without your knowledge? A. She might have.

Q. Did she receive it? A. No, sir; not to my knowledge.

Q. Will you swear she did not? A. How can I swear to a think I know nothing about?

Q. Now, do you remember a policeman complaining of being assessed and that he refused to pay the assessment? A. To whom?

Q. To whoever was collecting it for that silver service? A. Complaining to whom?

Q. No matter who? A. I never heard of such a thing.

Q. Do you ever remember Edward Purcell or Precell? A. No, sir.

Q. Do you remember an officer in your command of that name? A. No, sir.

Q. Purcell? A. No, sir.

Q. Or Prescell? A. No, sir.

Q. Was there any officer in your command of that name? A. No, sir.

Q. There might have been? A. No, sir.

Q. We have it that there never was an officer complained of being assessed for contributing to the silver service? A. Positively.

Q. It is in your knowledge? A. You ask me if I will swear to my knowledge of such a complaint being made to anybody?

Q. Did you ever hear of it? A. Never in my life.

Q. This is an unqualified answer; you are not answering this to the best of your knowledge, but you are answering it unqualifiedly; is that it? A. I never to my knowledge ever heard anything about it.

Q. You refuse to give us the business in which your wife was engaged? A. Yes, sir.

Q. Was she ever engaged in the business of procuring appointments of policemen? A. Oh, Mr. Goff, I am astonished at you.

Q. You have refused to answer; you need not be astonished; I am astonished at your refusal.

Chairman Lexow.—The best way is to answer up like a man.

A. I wish to answer; but that is out of the question.

Chairman Lexow.—It is an unpleasant question, I admit, to put; under the circumstances of this investigation sometimes unpleasant questions have to be asked.

A. I should think the Senators would protect a witness on questions of that kind.

Senator Lexow.—I should not think you would want to be protected on questions of that kind. I should think the noble

and manly way would be to answer up straight and manly? A. No, sir.

By Mr. Goff:

Q. Did you ever hear of her receiving \$1,000 from a man by the name of Hammond? A. No, sir.

Q. He was a roundsman to be made a sergeant? A. No, sir.

Q. Did you ever hear of it? A. No, sir.

Q. Do you remember the raid upon the fence on Seventh avenue kept by Doc Bliss, the thief and fence? A. I remember a raid on a fence on Sixth avenue.

Q. Kept by the same man? A. Doc Bliss; no, sir.

Q. Twenty-sixth street and Sixth avenue? A. Charley Seaton kept that.

Q. What was Seaton's real name? A. Charley Seaton.

Q. And other name? A. He had two or three other names; he was arrested two or three times, and convicted once and sentenced 10 years, and I think his case in the Court of Appeals —

Q. Did he ever go by the name of Holman? A. Not that I know of; no, sir.

Q. Was there a man named Charley Holman? A. Yes; he was arrested in the place.

Q. Mrs. Byrne was another notorious thief arrested there? A. Yes, sir; there was 14 thieves arrested in there and a lot of property recovered.

Q. Who made that raid? A. The raid was by my order.

Q. You mean to say you ordered Armstrong to make that raid? A. Armstrong and Dowling.

Q. Didn't you call Armstrong up and threaten to break him because he made that raid without your command? A. No, sir.

Q. How did you come to order them to make that raid? A. He followed the woman that had a seal skin sacque, or a boy with a seal skin sacque from a place to that house, and he watched the house quite sometime; he then sent me word by Officer Dowling about the place, and I told him to arrest everybody in it; and they sent and got reserves from Thirtieth street station, or Nineteenth precinct, and they arrested 14 thieves, and recovered all the property in there which was afterwards identified.

Q. And they were never prosecuted? A. Seaton acknowledged to the ownership of the place.

Q. He was finally prosecuted? A. No, sir; I believe he was subsequently released.

Q. They were three months in the Tombs? A. I don't know how long they were in the Tombs.

Q. And they were never prosecuted? A. I could not tell you.

Q. Which of those people was stool pigeon for you? A. None of them.

Q. What was the cause that these notorious thieves found in the most notorious fence here, never being prosecuted? A. We never knew anything about the place before that time; it could not be very old; there was a lot of noted people found in there; the place was not notorious.

Q. But none of these thieves that were found in there were prosecuted? A. No, sir; not that I ever heard of; there were a lot of them discharged the next morning, or two or three mornings afterward.

Q. Then they remained in the Tombs; what became of the stolen property there? A. There was one man convicted out of there.

Q. Are you sure? A. Yes; positive; he was a Jewish fellow.

Q. Did you ever meet Charlie Holman in Parker's restaurant? A. No, sir.

Q. Were you ever there with Holman? A. Old Parker's restaurant?

Q. Yes; up Broadway? A. No, sir; never in my life.

Q. Do you remember that there was a fence started at 42 Division street by the very men that were arrested in that fence on Twenty-sixth street and Sixth avenue? A. No, sir; I heard something about Captain Cortwright raiding a place, 42 Division street, or somewhere over there.

Q. You remember the man in Division street was one of the men that was arrested in Sixth avenue? A. No, sir.

Q. The fellow that they called "Ash Market Jacob?" A. He was not in the Sixth avenue place; he was in State's prison at that time.

Q. You knew him? A. Oh, very well; his picture is in Superintendent Byrnes' book; he was just sentenced for five years in Indiana, for post-office robbery.

Q. He was not prosecuted there on account of that raid? A. Well, I had nothing whatever to do with that, Mr. Goff.

Q. Why hadn't you? A. I did not raid the place.

Q. Did you not send word to Captain Cortwright not to prosecute the cases? A. No, sir; never in my life.

Q. It was your duty as inspector of detectives to look after such a notorious place? A. Not when the police had charge of it.

Q. You are on the police? A. Yes.

Q. You are chief of the detective force? A. Yes, sir; the captain was the executive officer of that precinct.

Q. Whose fault was it? A. Captain Cortwright's; if it was not looked after.

Q. You had no responsibility in the matter at all? A. None whatever.

Q. Now, did you hear of the same gang of thieves starting an annex in Brooklyn? A. No, sir; never.

Q. Don't you know they started an annex fence in Brooklyn where they used to ship over the stuff from New York? A. No, sir; never heard of it.

Q. Never heard of it? A. No, sir.

Q. Do you remember of a case where there was a lot of tobacco recovered by the police of Brooklyn? A. No, sir.

Q. Do you remember receiving word from the Brooklyn authorities that a lot of stolen tobacco had been recovered there? A. Such might be the case and I not know it.

Q. I ask you; if you had received word you would have known it? A. Yes, sir; if I had personally received word.

Q. Didn't you send over to Brooklyn and say that the men that were arrested for that stolen tobacco were wanted in New York? A. No, sir.

Q. Will you swear to that? A. Yes, sir.

Q. Positively? A. Positively; yes.

Q. No doubt about it now? A. If I did I do not remember it; I have no knowledge of it.

Q. Can you remember that those two men were sent to New York in obedience to your request, and arraigned in the Essex Market police court? A. Well, the officers in the case might go there and represent I sent them there, for the purpose of facilitating them; they might go there and I not have any knowledge of it at all.

Q. And when they got there, in the Essex Market police court, after the Brooklyn authorities surrendered them, the

charge was withdrawn; do you remember anything about that? A. No, sir; I was not a party to anything of that kind; I don't know anything about it.

Q. Will you tell us how you arranged with your detective in relation to the pawn offices? A. Well, there are two detectives detailed on each side of the city to inspect the pawn offices for stolen and lost property.

Q. Give us the names of those detectives? A. O'Connor and Slawson on the east side; Slawson has recently been retired and a man named Nugent put in his place; and Grady and Dorn on the west side.

Q. What are your instructions to those detectives with regard to the recovery of stolen property? A. They are given a list by the sergeant at the desk of property stolen from day to day for the purpose of going through those pawn offices to see if they can find them.

Q. How about pawnbrokers receiving the money advanced on this property? A. That is only when notified by postal card to facilitate the business; that is all.

Q. Whose business is it to get out these postal cards? A. That is a system that has been in vogue over 20 years and never been altered; if you go in there to-night and stated you had lost your watch and that you wanted to try and recover it, they will tell you there about the postal card system, that you could notify every pawnbroker within 24 hours in New York by mail, through the postal card system, giving a description of your property, whatever it might be, and that you would pay the advances.

Q. Now, inspector, I want to ask you, because I have got to hurry your examination through and close it? A. I don't care how soon you get through, Mr. Goff.

Q. It has been testified to here by a man, and substantiated by a number of witnesses, that you brutally assaulted a prisoner while in your charge, and in your station-house. I refer to Augustin E. Costello; do you remember that transaction? A. Yes, sir; I was going to ask permission to deny that statement; I can show you a book in this building to-day, Mr. Goff —

Q. Don't tell us about the book; explain it by sworn testimony, and don't tell us about what is in the book? A. It is a copy of every newspaper on the following day, subsequent to his arrest.

Q. I don't care about that; I want the fact? A. I deny the assault.

Q. You deny you touched the man? A. I deny that I ever left my hand on him at all.

Q. Or any of your officers? A. Or any of my officers.

Q. How do you explain that this man went to the police court the next morning from your station-house covered with bruises and bearing the marks of a terrible assault on his face? A. They told me he was drunk.

Q. Never mind what they told you? A. I say the evidence told me; in coming down from headquarters and coming down by the fire-house, and across the track he was intoxicated, and he was under the influence of liquor; and I saw him; when he stole the fly leaf out of the book.

Q. Stole what fly leaf? A. Stole the fly leaf out of the book which two of his agents were selling in his interest, purporting to be signed by two fire commissioners, and which they claimed was a forgery, and which they issued an order for the arrest of anybody selling such books.

Q. That is right? A. The captain of the fire company intercepted both of these men selling the book; the men were arrested and locked up.

Q. Who arrested them? A. They were arrested by some officer down there.

Q. An officer of your command? A. Yes, sir; and brought to the station-house and locked up at about 6:10 in the evening; and Augustin Costello came to my station-house and shook hands with me, and asked me for permission to see the men and look at the book.

Q. At that time was his face bruised? A. No, sir; not a bit.

Q. That was at 6 o'clock in the evening? A. Yes, sir; but he had been drinking.

Q. He knew how to act; he was rational, and knew how to act? A. He was under the influence of liquor.

Q. He was intelligent enough? A. Yes, sir; intelligent enough to steal that fly leaf out of the book.

Q. He stole the fly-leaf, did he? A. Yes, sir; he asked me to see the book, and I went in the other room to wash my hands — the book was evidence — and while I was in the other room he stole the fly-leaf out of the book and bowed himself out.

Q. He had stolen evidence? A. Yes, sir.

Q. And you knew that was a felony? A. I did not know it was a felony; it might be a misdemeanor.

Q. You knew it was an offense against the law? A. It is a crime; yes, sir.

Q. He was arrested for that crime? A. Arrested in somewhere in the neighborhood of 11 o'clock that night.

Q. For that crime? A. Yes, sir.

Q. And was brought to your station-house? A. Yes, sir.

Q. You telephoned or telegraphed from your station-house to headquarters? A. I sent to every place I thought I could find him.

Q. It was a very serious offense to destroy evidence? A. I looked upon it as a serious offense.

Q. Now, why did you not prosecute that case? A. I did.

Q. To what extent? A. To the best of my ability.

Q. What did you do? A. I sent for the attorney for the fire department; he was present in court the next day and I think the case was adjourned until that afternoon, and Judge White took the evidence; and he was held for trial by Police Justice Andrew White; and that is the last I have heard of the case.

Q. Why, Mr. Hummel has sworn here, he was counsel in the case, that there was no complaint appeared against him the next morning; and he was discharged; has Mr. Hummel sworn to the truth or not? A. It is a matter of record.

Q. Has Mr. Hummel sworn to a truth or to an untruth? A. I don't know what he has sworn to; that is a matter of public record.

Q. Mr. Costello and some of his witnesses have sworn here he was discharged, and you were not in court the next morning? A. If he says so he simply lies.

Q. They are all lies? A. He lies if he says he was discharged.

Q. They all lie, if they all swear to the same thing? A. I swear he was held under \$500 bail.

Q. Were you there? A. Yes, sir.

Q. In court? A. Yes, sir.

Q. All the witnesses say you were not there; have they told the truth? A. Positively not; if they say I was not there.

Q. And if they say he was discharged, that Mr. Costello was discharged? A. They all swore to what was not true.

Q. Mr. Hummel has sworn that; Mr. Hummel, and a number of them; and it is also equally untrue that any one in your sta-

tion-house allowed a man that night to assault him? A. Not to my knowledge.

Q. It could not occur without your knowledge? A. No, sir.

Q. Did you see him when he was brought into the station-house? A. Yes, sir; he was covered with mud.

Q. He was; after you knocked him down? A. I did not knock him down; I was sitting in the station-house when he was brought in.

Q. Didn't you meet him at the elevated steps at Hanover Square? A. No, sir.

Q. Didn't you go down to the cell to beat him? A. I could not go down-stairs to his cell because there wasn't any there.

Q. Did you go into his cell? A. No, sir.

Q. Never raised a hand to him? A. No, sir; never in my life.

Q. Did you go to him and say to him after your trial that you were thankful the way he acted upon that trial? A. No, sir; I had nothing to thank him for on my trial.

Q. Did you ever shake hands with him and say you would never forget it? A. No, sir.

Q. You were made inspector while charges were hanging over you? A. I believe so.

Q. Those charges have never been dismissed? A. Never been dismissed.

Q. Those charges were for failures to suppress gambling-houses? A. On my own application to the police board.

Q. These charges were made by the superintendent? A. On my application.

Q. You mean to say you applied to have charges preferred against you? A. Yes, sir; on the statements made to different newspapers by Mr. Whitney, who was superintendent of that society.

Q. Did you make your application in writing? A. Yes, sir.

Q. To the department? A. Yes, sir; to the board of police.

Q. I want to see; we have all the papers in your case; we want to see if such application is made? A. You can take my word for it, Mr. Goff; it is true.

Q. Well, inspector, there is no application from you here to be put on trial? A. I can not help that.

Q. But there specifications and charges made by the superintendent? A. That would naturally follow after my application to the board of police.

Q. Is that another instance of records missing from the police department? A. If it is I have nothing whatever to do with it.

Q. We have it, as a matter of fact, inspector, that at the time you were made inspector these charges were pending against you, and two commissioners had voted you guilty of it? A. Yes; and two voted not guilty.

Q. And two voted not guilty? A. And if there was a fifth one there I think I would have got away.

By Senator Bradley:

Q. Inspector, Mr. Costello testified under oath here that after you had abused him, thumped him, and the probability was that you used brass knuckles on him, that on the second attempt to repeat that that he said to you that if you did not desist that either one of you must die, and then you desisted; did he swear to the truth or a falsehood then? A. Absolutely false.

Q. He did not say those words in your presence that if you attempted to assault him again that either one of you must die; that was in the station-house? A. I never had an altercation with him in my life; I never done anything but what was kind to Mr. Costello.

By Chairman Lexow:

Q. Inspector, do you mean to be understood in your testimony here as saying that you had heard nothing about the taking of blackmail or the bribing of police in your or other precincts of the city, until these developments were made before this committee? A. Only by rumor of that; that is all.

Q. You had then, prior to the meeting of this committee, heard rumors to that effect? A. Yes, sir.

Q. And that a general system of blackmail of the kind testified to before this committee? A. No, sir.

Q. Had you heard any rumors of the prevalence of the system? A. No, sir.

Q. In which from almost the top down to the bottom they all participated? A. No, sir.

Q. You had heard rumors of taking blackmail by policemen? A. Yes, sir.

Q. What did you ever do to track those rumors down? A. You mean when I was captain of the precinct?

Q. Yes. A. I never done anything, only I might hear somebody say that so and so told they saw so and so, and that is

all, about the fifth man when you got it; the same as they talk about any department, or Legislature, or anything else — just rumor.

Q. Do you think it comports with reason that a general system, such as has been testified to here, of blackmail, has pervaded almost, if not quite, every precinct of this city; that the police department organized for the purpose of suppressing vice and crime is competent or incompetent, if it was unable to discover those facts? A. That I could not answer.

Q. Does it comport with reason that those facts could exist and a competent police department at the same time exist in this city? A. I could not answer that, unless they were aware of it.

Q. If you can not detect crime among the members of your own force, how can you expect to detect crime among people at large? A. Well, if it is drawn to your attention you might detect it.

Q. No; but here we have testimony before this committee; I would like to get your opinion as inspector and police officer on this state of facts; here we have testimony before this committee going to show an organized system prevailing for years in this city; the payment of blackmail from the lowest almost to the highest, and that that has prevailed for years; now, how can you account for the non-detection of that condition by the police, on any other principle than that the police were absolutely incompetent to do their work? A. Well, I think the police is competent to meet any exigency that is required, or any emergency; I do not think that it is as prevalent as people think it is in the department.

By Senator Bradley:

Q. You have not read the testimony before this committee? A. I have read a great deal of it.

Q. You would not think so? A. I think there are people appeared hear and sworn to things that were false.

By Chairman Lexow:

Q. What motive would they have to swear to a blacker condition of affairs than existed? A. I can not tell people's motives.

Q. Would not their motives be to conceal something, rather than to add to what exists? A. How can you account for that woman's motive coming here to swear she gave me \$500, and to other captains.

Q. A police captain came on the stand and testified that in each and every precinct the system was so well organized that the wardmen in their precinct knew their duty, and collected the money and paid it over, with their percentage; in other words, it was a system prevailing in every precinct in this city; can you say a police force is competent if it can not discover a system of that kind prevailing for years? A. I think this is the greatest police in the world.

Q. We are not disputing that proposition, so far as certain departments of police is concerned; I suppose to put down a mob, or anything of that kind, there is not a better police force in the world; but here is a police force, organized to detect crime; and here is a system of crime prevalent for years, well organized and uninterrupted in the police itself; do you think that the force can be competent if it can not detect its own crime? A. I think there are bad men in every department and every walk of life.

Q. Are you, as inspector of police in this city, satisfied in your own conscience that you, as an expert upon this subject, have given a reasonable answer to the questions? A. Yes, sir.

Q. You are? A. Yes, sir.

Q. When you were in command of the Tenderloin, did you know of John Daly's gambling-house? A. Yes, sir.

Q. Did you ever try to suppress it? A. Yes, sir.

Q. Did you ever arrest anyone? A. No, sir; I inspected it almost daily.

Q. From the outside? A. From the inside.

Q. And you never caught anything? A. They didn't do any gambling while there; I was there in that house.

Q. Then it was not a gambling-house? A. Reputed gambling-house.

Q. How did he continue to pay the rent and keep no gambling? A. He has got plenty of money, I suppose; he is in the horse business.

Q. How did you know it was a gambling-house? A. I knew it was a reputed gambling-house for years.

Q. After you first inspected it? A. I was determined he wouldn't do any gambling while I was there.

Q. Then you knew he attempted gambling, did he? A. Not that I know of.

Q. How long were you in the precinct? A. Five months; I was there from the 20th of April, 1892, until the 1st of October of that year.

Q. Was there any trouble between yourself and Commissioner Sheehan, inspector? A. I have nothing but the friendliest feelings for Mr. Sheehan; I never spoke to him more than half a dozen times in my life, and never had a word with him.

Q. What was the cause of Commissioner Sheehan frequently expressing himself during the trial of the police captains that you should be put on trial the same as the rest? A. I couldn't tell you, Mr. Goff.

Q. Can you give us any reason why you were not put on trial the same as the other captains who were accused of bribe taking? A. I didn't believe, in my judgment, the commissioners thought I was guilty of that offense.

Q. Then they acquitted you before they tried you? A. They didn't acquit me at all; I was not on trial.

Q. Why were you not tried on the same evidence that the other captains were tried? A. Nobody said anything about me, except that woman you have spoken so often of here to-day.

Q. Anyone else said anything against the other captains but that woman? A. I don't know.

Q. Other captains were broken upon her testimony and you were not put on trial on the same evidence; can you give us any reason for that discrimination in your case? A. I couldn't; I never spoke to a soul.

Q. I am asking you, can you give us any reason why you were discriminated in favor as against those other captains? A. Nothing more than the good judgment of the commissioners.

Q. These fellow captains of yours were charged by the same person with precisely the same evidence of taking bribes, and you were let off? A. I don't know what they were charged with.

Q. Anyway, Mr. Sheehan said it was nothing but just and right that you should be put on trial? A. I suppose he felt he was right about that.

Q. Mr. Sheehan stated here openly, and he openly stated at an executive meeting of the board and publicly, that you should be put upon trial the same as the other captains and not favored as you were? A. I don't think I was favored.

Q. Commissioner Sheehan said you were? A. Well, he has got a right to his opinion; I don't have any differences with Mr. Sheehan at all.

Mr. Goff.—I think that will do.

Thomas Byrnes, recalled as a witness on behalf of the State, testified as follows:

By Mr. Goff :

Q. Superintendent, how long have you been a member of the police force of the city of New York? A. Nearly 32 years.

Q. How long have you been superintendent? A. Since the 12th of March, 1892 — 12th of April.

Q. How long were you inspector? A. I was appointed inspector in 1880.

Q. And how long before that had you been captain? A. I was appointed captain in '70.

Q. How many precincts were you captain in? A. I was first assigned to the Twenty-third precinct; the station-house was on the corner of Fourth avenue and Eighty-sixth street; I then went to the Twenty-first precinct station-house at Thirty-fifth street; from there I went to the Fifteenth precinct station-house on Mercer street; I was then transferred to the Broadway squad and was there for some time, and was transferred back to the Fifteenth precinct.

Q. So it was from the Fifteenth precinct you went to headquarters? A. Yes, sir.

Q. As inspector? A. No; as captain.

Q. Now, Superintendent, I regret that I can not proceed with your examination in the order I would like to, owing to the pressure of time; I will ask you at the commencement what real estate have you in this city or elsewhere? A. I owned a house where I live, No. 17 West Fifty-eighth street; I owned a house on the northwest corner of Fourteenth street and Seventh avenue; I owned a house and lot on the southeast corner of Forty-sixth street and Fifth avenue; I bought a little less than three acres of land in Jersey some four or five years ago.

Q. At Red Bank? A. Well, it is not at Red Bank, sir; it is some two miles from Red Bank.

Q. On the Shrewsbury? A. Yes, sir.

Q. Have you told us all the real estate you owned? A. No.

Q. Or that is owned by Mrs. Byrnes? A. Well, Mrs. Byrnes owns all, that is I put it in her name because my position is a peculiar one; I did it for the purpose of saving trouble in cases of suits or anything of that kind; that is the only reason.

Q. Then, in fact, it is substantially your property? A. Yes; there is one thing else I want to say a word on; there was a man came to me who was a friend of mine within the last two or three months; he spoke to me about some lots that were selling down on Long Island; I never saw them and don't know where they are; he said he thought it was a good thing; and I paid \$2,500 for some lots; I don't know just how many there were, because the deed is not yet made out.

Q. Is that the whole of your property, now? A. I think that is all.

Q. What is that first parcel of property worth? A. You mean where I live?

Q. Yes? A. Forty thousand dollars.

Q. Free and clear? A. Yes.

Q. Now, what is that property worth northwest corner of Fourteenth street and Seventh avenue? A. Fifty thousand dollars.

Q. Free and clear? A. Also free and clear.

Q. What is that property worth, at Forty-sixth street and Fifth avenue? A. One hundred and sixty-five thousand dollars.

Q. Free and clear? A. Yes, sir.

Q. What is the value of your property on the Shrewsbury? A. Well, it may cost me for the house I put up there \$20,000 to \$25,000.

Q. Including everything? A. Everything; I assume \$25,000.

Q. I find on searching here the property on the south side of Broome street ninety-two feet east of Hudson, 20 by 69 — A. I bought that house, if that is the same one, on Broome street along in seventy something.

Q. Seventy-three? A. And I held it for some time and sold it for, I think, the same amount that I paid for it.

Q. That is the \$10,000? A. Yes; I then bought a house on Ninth street, between Fifth and Sixth avenues; I think, in '75 or '76; I paid \$12,000 for it and I lived there until '90, and I sold it for \$23,000 to the man that is living there now; that was sold in the latter part of '89 or '90, either one.

Q. I see you have had a transaction with a Carroll Cunneen, mortgage transaction, what was that transaction on November 19, 1872, property on the west side of Ninth avenue, 93 feet north of Fortieth street; took a mortgage there for \$1,200; do you remember? A. It seems to me that a good many years,

probably in '73, '4 or '5, that this man Cunneen came to me and wanted to borrow that money, or wanted to give me a mortgage on a piece of property that he had on Ninth avenue; but I had entirely forgotten it, sir.

Q. Do you know that Cunneen? A. Yes, sir.

Q. He is a private detective? A. He is now.

Q. Has he, to your knowledge, any connection with the detective bureau at headquarters, directly or indirectly? A. No, sir.

Q. I find here on the record on Sheridan avenue near Ellis street you bought property there? A. I bought some lots there, there was a house on it some four or five years ago; I paid \$11,250 for it, and I held it for some time, and I sold it, I think, for \$18,500 or \$18,000.

Q. Eighteen thousand dollars? A. Yes.

Q. So that we have now, as you stand to-day, the value of your property in your wife's name, \$292,500? A. No; that is a mistake; go over it again and get it correct.

Q. You say in Fifty-eighth street there is \$40,000 value, Fourteenth street and Seventh avenue, \$60,000; on New Jersey property, \$25,000; on Fifth avenue property, Forty-sixth street, \$165,000, and the Long Island property, \$2,500? A. Yes, I had omitted that; I forgot about that.

Q. That makes \$292,500; now, superintendent, have you been in any business except the business of police since you have been on the force? A. No, sir; I have not.

Q. Can you explain to this committee right here, before I go into any questions relating to the department, how you acquired so much real property, nearly \$300,000 in value, since you have been on the police force? A. After I was assigned to the detective bureau and reorganized that bureau it brought me in contact with a number of people that were large investors and large operators in Wall street; some of these gentlemen I have had business with of a private nature at times, and some of a public nature, and they have helped and assisted and advised me from time to time in speculations where I have made money.

Q. That is a very general description, superintendent; can you not give us anything more specific than that how you acquired so much money, amounting to \$300,000? A. Well, you ask me what you want to know, if I can answer you I will be very glad to do so.

Q. In what line of business was your money invested, if invested at all by the aid of private friends? A. You mean in stocks?

Q. In stocks; yes? A. In Manhattan, commencing at about 20, from that up to 35 it was bought at; in Missouri Pacific, Missouri, Kansas and Texas; in Wabash, in Western Union, in Union Pacific; I speak of those off handedly; there's many others, I assume; I am telling you as I recollect now.

Q. Those stocks are all recognized very much as the Gould stocks, I think, are they not? A. A great majority of them, yes, sir.

Q. Was there anything particular in that fact that they were recognized, or that they were Gould stocks? A. How?

Q. Did you make a specialty in investing in Gould stocks? A. No, sir; Gould made a specialty in investing in these stocks for me himself.

Q. Jay Gould? A. Yes, sir.

Q. Was he your broker? A. He was my friend and acted as my broker very often, and bought those stocks.

Q. Well, did you keep an account of the moneys you invested with him? A. What is that?

Q. Did you keep an account of the moneys you invested with him? A. He did all the investment for me; Mr. Gould's office was not a public office that anybody could go in and buy stocks; while they had a line of customers there it would be very difficult for the ordinary man to go in there and be introduced for the purpose of buying stocks.

Q. Can you give us some particulars as to the investments and the profits of any of the investments? A. I have given you the class of stocks as near as I now recollect them.

Q. Well, how much money did you make on these investments? A. Well, I went to Mr. George Gould here some few months ago; I have made up the account when this committee convened and came to New York, in my own way; I am not a business man by any means; my life, since I have been 21 years of age has been constantly in the police department, it has been night, noon and morning; from my own judgment I made up what the amount was, and I went and saw Mr. George Gould about it; and I asked him if he would not go over it to the best of his recollection; he wrote me a letter, giving me a statement of what his father had made for me, from his best judgment, and what he had made for me since his father died; and

it amounted to about \$230,000; since his father died he made me \$43,000 himself; that is, he made it from investing for me and that accrued that profit to me.

Q. How much, please, did Mr. Jay Gould make? A. Mr. Jay Gould himself?

Q. Yes. A. I think it is about \$185,000; now, I have the letter; but I haven't got it in my possession; if the committee want it they can have it at any time.

Chairman Lexow.—We believe the superintendent received a letter of that kind.

The Witness (resuming).—It is in the safe, and I have been waiting here all day outside, expecting to go on the stand at 11 o'clock, and came down here in a hurry this morning, and have been here ever since; I will furnish the committee with the letter any time they want it.

Senator Cantor.—The contents, as you recollect it now, would be sufficient.

Q. You have such a letter in writing? A. Yes, sir.

Q. And if the committee requires this letter you are prepared to submit it to them? A. Any time, sir.

Q. This letter you say was written in answer to a request of yours? A. A personal request to Mr. Gould; I went down and saw him, and had a talk with him about that; some few days after he wrote me this letter.

Q. You apprehended then that this committee would make these inquiries? A. It is possibly three or four or five months ago you had been entering into this, and it had been published in the newspapers.

Q. Some of the officials of your department have been questioned on that line, and you thought you would prepare for it? A. I simply wanted to get into an intelligent position, in case I was asked those questions; to give to the committee, and the counsel, all the information I could.

Q. Can you tell us, superintendent, how it was that you first acquired money enough to enable you to invest in stocks through Mr. Gould? A. I can.

Q. Please tell us? A. In 1870 when I was made a police captain, or we will go back to '69, I had a relative living in Dutchess county, in a place called Amenia; Senator Palmer, at that time was senator from that county, Dutchess county; this old man

had lived there for a great many years; he had accumulated a little property, a few acres of land and had built three or four houses on it; he lived there for a great many years, and during that period of time had saved \$4,000 or \$5,000, besides paying for these little places; he was taken sick and died; at that time I was sergeant in the Sixth precinct; I was telegraphed for and I went there and he died, I think that was the next day or within a day or two; what little money he had I got, I think it amounted to \$4,200; that is my recollection of it now; the place was worth probably \$3,000; he was like many other foolish old men, he was 70 odd years of age, and got married when he was 70 to an old woman 69; and Senator Palmer and the man he lived with, a man named Wilson, who was in the lumber business about Amenia, is the executor of the will; they sold the property; in the course of a few months or a year, I don't know how long it was, they gave this old women whatever she was entitled to under the law, one-third, and gave me the rest; I was made captain in 1870, running along, and I was able to save some money; that give me a start; I don't know, not more than \$5,000, \$6,000 or \$7,000, something like that, and in 1874 or 1875 I suppose I had saved up \$8,000 or \$9,000, and I bought that house; it was resold sometime afterwards, and along running up to 1880 I probably was a man worth \$15,000 or \$20,000—I don't know whether that is true or not; I certainly must have been; when I first got acquainted with Mr. Gould I certainly was worth that amount of money, if not more.

Q. How much? A. Fifteen thousand dollars or \$20,000.

Q. And this \$15,000 or \$20,000 you say was derived from your savings and from this money that came to you through a relative as you have described? A. Yes.

Q. Will you give us the name of that relative, superintendent? A. He has my own name; his name was Byrnes; he died there in 1869, the latter part of 1868 or the early part of 1869, I think 1869.

Q. Now, at the time that you became acquainted with Mr. Gould did you have any real property? A. Yes, I owned that house on Ninth street.

Q. Where you reside? A. Yes, sir.

Q. And did that house represent the money that you have stated? A. It represented a greater part of it.

Q. Part of the money, A. Yes, sir.

Q. Do you mean that we should understand that the \$15,000 or \$20,000 included that house? A. I think so, yes, sir.

Q. That house was \$12,000? A. Twelve thousand dollars.

Q. So that in addition to that house you had from \$5,000 to \$8,000? A. Fully that; well, now, you will pardon me, there is a transaction I have omitted telling you about; in 1873 or 1874 a man named Crawford, who was Commodore Vanderbilt's brother-in-law, he shot one of my men in Mercer street, and he was committed without bail and the following day he was taken before Judge Leonard of the Supreme Court and bailed in \$50,000; Commodore Vanderbilt sent after me about this matter, and he was very angry about policemen entering his house, etc., but he became thoroughly satisfied in the presence of Horace F. Clark, who was his son-in-law and a good lawyer, that the officers had a perfect right there; they were in pursuit of a man who had committed felony, and under the law they had the right to pursue him in that house; the officer who was wounded, his name was Henderson, and he was shot through both thighs, the fleshy part of both thighs, and he made application to the board of police to enter a civil suit against this man Crawford; that permission was granted, and he did enter a civil suit against him; I think old ex-Recorder Smith was his lawyer, and the case was settled for \$5,000; now, either before or after the settling of that case in court the Commodore sent for me, and in his abrupt way asked me if I had any money; I said, yes; he said, how much money have you got; I said, \$2,000; he said, where is it; I told him I had it home; he told me to bring that money and give it to him and he would use it for me; this was in the presence of his son, William H., and I think a man named Mesereau, who at that time had charge of the Fourth Avenue railway, a short stout man; I gave this money to the Commodore and he said he would invest it in some way for me; I want to tell you the truth, but I am making a mistake, because the time is a good while ago, and I omitted speaking about it when I was talking about what I had; he had that money for a month, or six months or a year; I don't know how long; and finally he got thrown out of his wagon one day going through Central Park, so it appeared in the paper, and he was hurt very much, and he was brought to his home; the newspapers were full of it that the Commodore was going to die, and all that kind of thing; I didn't see a chance in the world if he died to

get my \$2,000; so after a day or two I went around and saw a man, he had a little office in Fourth street, in the rear of his house, who used to do some business there for him, kind of clerk; this man now or was since in the Grand Central depot; I saw him there, a man about five feet high; I asked him about the Commodore, etc.; he told me that he was pretty well shook up, but was all right, and all that sort of thing; I asked him if he had any recollection of a deposit I had made there with the Commodore at his request; he said, I have; I asked him if I could get that money; he said I could; and I think I got in the neighborhood of \$6,000 for that \$2,000; I didn't get that money for a day or two, because he had invested it in something; I don't know what it was now, it had to be sold and an accounting made, and I got that money with a statement, I think along about \$6,000; now, that was five or six months after Crawford shot this man Henderson; it might have been a year; I am simply giving you my best recollection about this thing.

Q. Was there anything between this settling of the case between your policeman and Crawford and your getting this large profit on your \$2,000? A. Not a thing in the world.

Q. Was the case settled before you gave the Commodore the money? A. That I couldn't tell you.

Q. But it was after the shooting? A. It was after the shooting; I couldn't tell you whether it was before the settlement or not.

Q. What was the policeman's name? A. Henderson.

Q. Is he on the force yet? A. He is dead long ago.

Q. Then in addition to the extreme sum of \$8,000, in addition to the house that you own, and taking the \$6,000 which you get from Vanderbilt, is that included in the money in addition to the house? A. I think not.

Q. Or in addition? A. No; I think not.

By Chairman Lexow:

Q. You mean it is in addition? A. Oh, in addition, yes, sir.

By Mr. Goff:

Q. Then he will say \$12,000 or \$15,000 according to that? A. Possibly.

Q. If the Vanderbilt money was to be added to the money you had in excess of the value of your house it would amount to from \$12,000 to \$15,000? A. Yes, sir.

Q. Now, can you give us any more definite statement concerning that money, superintendent, or the amount of it than you have? A. I can not.

Q. Did you have a bank account at the time? A. I don't think so.

Q. Don't you remember? A. I am quite sure that I did not.

Q. Either savings bank or deposit bank? A. I have no recollection of having any, sir.

Q. With a cash capital now of \$12,000 or \$15,000 can you explain to the committee how that cash capital developed into a sum represented by nearly \$300,000? A. I have told you, sir; it was through those speculations.

Q. Can you not give us something, particularly about your first speculation or first transaction, so that we can understand, at least? A. I can tell you very readily how I got into it, if you allow me.

By Chairman Lexow :

Q. Just give us the details as rapidly as you can? A. I want to say that, in 1891, there was a man named Colonel Howard Wells, who was a colonel in the army; and I understood then, and do now, that he was the commissary in charge of New Orleans when Butler entered there, and had charge of the commissary's stores at New Orleans; he had been a rich man and he lost his fortune; he came on here to New York; he conceived the idea that he had lost his fortune, and he might have lost it in the Gould properties; after losing his fortune, he started writing a series of letters to Mr. Gould and Mrs. Gould, stating that he was dedicated by God to kill him for the large amount of destitution, etc., that he had brought on people, and giving some of the properties, the Gould properties, that he had lost his money in; and stated that if he was not reimbursed that he would kill Gould on sight; there were a series of those letters sent to Mr. and Mrs. Gould; the letters did not appear to annoy Mr. Gould; they did annoy Mrs. Gould very much; so much so that there was a meeting at their house and Mr. Connor was sent for, Washington E. Connor, who was Gould's partner at the time; Mrs. Gould was very anxious to ascertain who that man was, fearful relative to her husband; after that interview Mr. Connor sent for me, and I went to see him at his house; he was living at that time, I think, at Forty-fifth street, between Fifth avenue and Madison avenue; he ex-

plained the whole matter to me, and said that Mr. Gould was indifferent about the matter to an extent, but that the family was very much annoyed, and wanted to know if it was not possible to have this man arrested; I pursued the usual channel that I would do in a case of that kind; such a case as that, blackmail, or threatening to kill, for some days, and was unable to locate this man; I had a further interview with Connor, and in the meantime he had conceived the idea that they could trace who this man was through the stock market, by giving points how to buy and sell stock, for the purpose of reimbursing them for what he stated he had lost; the letters that came were all to be answered through the personals in the New York Herald; we talked it over, and Mr. Connor, through me, put a personal in the Herald, asking that this man should send a key to the stocks that he wanted to make money out of; he sent this key, that I will now read; it is dated November 13, 1881.

Q. Is that the original paper you hold in your hand? A. No, sir, it is not; it is a copy of the original.

Q. Made at the time? A. No; this has been made within three or four days.

Q. And what did you make it from? A. From the newspaper accounts of that time; as it was printed in all the newspapers for a week, probably, in and out; he called Western Union, "Windsor," and all that stock was to be sent up for his people; there would be a personal put in the New York Herald, "Windsor, uptown;" the day that that was put in the newspaper there were a few thousand shares of Western Union sold, and through Mr. Connor's knowledge of the market, through the knowledge of the Gould brokers on the floor, they were able to trace every share of that stock to the different offices, and who the purchasers were; it did not show that any man had bought any large quantity of that stock; Erie was called "Spoon;" Texas Pacific, "White;" Manhattan Elevated, "Salvation;" Northern Pacific, "Common Wheat;" Northern Pacific preferred, "Cohen;" Lake Shore, "Exchange;" Pacific Mail, "Concord;" now if there was a personal put in the paper, we will say for "Concord Downtown," he knew that that day that he could go and sell Pacific Mail, and it would be a sure thing for it to go down, and it did go down; there not one of them ciphers there in that key that I haven't put in the newspapers, and there is not one of them that the market has not

either went up or down on that day; that knowledge that I had for three months, or for two months, if I was a dishonest man I could have made \$500,000 out of it; I could have used that key; I could have took two or three men and sent them to different cities, or right here in New York, and had them bought two or three thousand stocks on that, either up or down, I had a sure thing, there was no chance in the world for me to loose; that is the only sure thing I ever had in my life; but I didn't do it, of course, I only say that; now, that ran along for some two or three months, and at no time during that period of time was Connor, or his associates in the board, able to trace any large quantity of stock to any one man, because if they had they might assume that was the man, and followed him up and got his handwriting, as we had a lot of his letters, because at that time Mr. Gould had Mr. James, who was post-master-general to have Mr. Pierson give Mr. Connor and myself all his letters, and in running them over we could pick out his letters immediately, because it was a long scrawling hand that could be detected in a second; now, Connor had partially given up, and myself too, this fellow; I had went over these letters probably 150 times in the office, and there was one night I was going over them again, for I don't know, probably the fortieth or fiftieth time; and for the first time I discovered that every letter that was sent to Mr. Gould was posted in station E; station E has a boundary I think from Fourteenth street to Forty-second street, from Fifth avenue to the North river; I immediately had a diagram made of station E, and I found that there were 102 letter-boxes into it; I took the streets north and south and east and west, placed the letter-boxes on the corners where they belonged, and there I had station E, and concluded that we could carry out a scheme that I had formulated in my head that night going home, that we could get that fellow in one day; I went and saw Mr. Connor the next night and talked to him about it, and told him that if we could get the post-master-general, or the postmaster of the city of New York, Mr. Pierson, on Sunday to give us 100 letter-carriers by paying for them—he paying for them—that I was satisfied we could get that man on Sunday, in one day; he asked me how; I said, well, I will put a long personal in the Herald on Saturday night upbraiding this man for giving away the information that we give him, or that Mr. Gould is giving him, he thought

it was coming from Mr. Gould, to other persons for the purpose of making money; the moment he would read that personal it is the most natural thing in the world that he would hasten to write a letter to Mr. Gould on Sunday assuring him that he would not give that information away to anybody else, that he was simply utilizing it for his own benefit; Mr. Connor thought well of it, thought it was a feasible and practicable thing, and he made arrangements to get those letter-carriers on Sunday, as it was an off day; I then perfected a system—

Q. Now, superintendent, pardon me, while of course this is extremely interesting, our time is drawing to a close and I have a series of questions; I would like that you would get to the point of your first investment with Mr. Gould, get to that point, if you please? A. My first investment with Mr. Gould was a short time after that, after this man was arrested and was put under bail, and Mr. Gould went to the Tombs and made a complaint against him; Mr. Gould sent for me and I went to his house, he wanted to make me a present of a large sum of money, which I declined to take, he was very much astonished but I declined to take it just the same; in a short time after that in his office he told me he was going to buy me some stock, didn't tell me what it was; I asked him about putting up a margin, etc.; well, he said, "He didn't think it was necessary;" I told him I would rather do it, that I had the money; he said, "All right," and I gave Mr. Gould \$10,000; he operated in stocks for me whenever he went into an operation himself, and give me the benefit of profits that accrued from them until the time he died, which was about \$185,000.

Q. Well, that \$10,000 that you gave Mr. Gould at the commencement, did you draw that from bank? A. No; I don't believe I ever had a bank account at the time.

Q. Where had you the \$10,000? A. Well, I don't know, I couldn't tell you; I don't believe I had it in the bank.

Q. Had you it in your house, had you it in safe keeping in any place? A. One moment, let me try to get at it Mr. Goff; I couldn't tell you truthfully where I had it.

Q. It is not so long ago superintendent? A. No; it is only 14 years ago.

Q. Ten thousand dollars is quite a large sum of money? A. Yes; but where ever I had it you can bet I was taking good care of it.

Q. I haven't any doubt about that; can you not tell us where you had it? A. For the moment I can not; I will tell you as I go along if I think of it.

Q. It was not in bank? A. I don't say it was not in bank; I don't think it was.

Q. Was it in the keeping of your wife? A. That I don't know.

Q. Was it in the keeping of your friend? A. I can not answer the question truthfully.

Q. Has it escaped your memory for the time being? A. Yes, sir; I may be able to tell you going along.

Q. Is it not remarkable that your memory would fail upon such an important point as that, as to where that \$10,000 was? A. No; it is not remarkable; I have to think of so many things, and I travel along so quick, and it wouldn't be remarkable; but as I go along I will try and think of it and tell you.

Q. We will try and get at that later; we have it then that from that \$10,000 that you first gave Mr. Gould there flowed to you a profit of about \$185,000? A. Possibly, yes.

Q. And did that include the additional \$40,000 that Mr. George Gould has made since his father's death? A. No; that is in addition to that.

Q. Now, did you ever invest money with any other person to apply to the purchase of stocks on margin except with Mr. Gould? A. Yes, sir.

Q. Will you tell us with whom? A. Is that absolutely necessary; now, I want to say to you that in my position I have been brought in contact with a great many people, some of them are large operators and large investors in the stock market; sometimes business of a private nature where they have been benefited, I mean where there has been blackmailing letters and things like that sent to them, and where the ends of justice have been better served where they would refuse to make a complaint, and all that kind of thing, and they have from time to time advised and bought me stocks which I have made money out of.

Q. In other words that you have had by reason of your position as inspector of police, chief of the detective department, opportunities for winning the confidence or gratitude of men to whom you had rendered service in the nature indicated? A. You can put it in that way, yes, sir.

Q. You would not have had the opportunities were you not in that position? A. No, sir; I would not.

By Chairman Lexow:

Q. Do you mean, superintendent, that you were first brought in relation with them by reason of your official position? A. Yes, sir.

Q. And that afterward culminated in personal friendship? A. Yes, sir.

By Mr. Goff:

Q. Was your office, as chief of the detective bureau of New York, placed at the service of these persons? A. No, sir; it was not.

Q. Then how did you win their confidence? A. As I say, in many cases those people have had trouble by people attempting to blackmail them and doing many other things, and in that way I have been called in to it; my official position, so far as that is concerned, was placed at their disposal for the purpose of protecting their property and their business in and about the vicinity where it was conducted.

Q. But it was your duty, apart from all considerations of future profit, to protect that property? A. Yes, sir; and I did it very thoroughly, too.

Q. But were you moved to protect that property by the hope of gaining the friendship and gratitude of the powerful people in connection with the stock market? A. No, sir; I was glad to have their friendship and gratitude, but my first—it was my duty first to do it.

Q. Is it not strange, superintendent, that in these various matters where you simply performed your duty as a public officer for the protection of personal property that such remarkable results should have followed? A. They did not follow for the protection of property by any means.

Q. But these successful speculations were not the result of your own judgment? A. The result of my own judgment—I never bought a share of stock in my life on my own judgment that I didn't lose all I put up, on my own judgment.

Q. As matter of fact, there have been firms in Wall street in whose office you lost considerable money? A. Yes, sir.

Q. Take for instance the firm of DeMott? A. DeMott and Durant?

Q. Yes? A. I lost money there.

Q. You dropped considerable money there? A. Well, I lost there some little money, and they lost the rest on a guarantee; I had some stock there and I wanted to sell it out; John DeMott wrote out a guarantee for me to guarantee the stock; he wouldn't sell it without I ordered him to sell it; the guarantee I kept, and when that house failed DeMott came to me when they were settling up and I give him his guarantee; it was not worth two cents.

Q. But it has been claimed by DeMott that you owed him money on that guarantee? A. Never.

Q. Have you never been sued by him? A. No.

Q. You say that you never invested in stocks on your own responsibility, as a result of your own judgment, that you did not lose? A. I never invested \$1 in stocks in my life, on my own responsibility, or on the usual tips of good things that you hear amongst men, that I didn't lose money; anything that was a good thing that everybody had that I ever got into I lost money on it.

Q. So that we have it, superintendent, that the extraordinary good fortune that has followed you in the stock market is slightly due to the protection, care and judgment of your influential friends? A. Nothing else in the world.

Q. Can you tell us how much you are worth altogether, superintendent? A. Now?

Q. Yes? A. Well, what did you figure that up— \$192,000.

Q. Two hundred and ninety-two thousand, that is in real estate alone? A. Yes; that real estate is worth now a great deal more money than it was when I bought it; now, you will get me in a position where you will have a lot of people running after me to get my views; that piece of property on the corner of Fourteenth street and Seventh avenue I was offered \$105,000 for it.

Q. In addition to your real estate are you worth money in personal property such as money securities, stocks? A. I have got a lot of stock.

Q. Of your own? A. Well, I am dealing in stocks all the time; I don't believe in five years that I have ever been out of the stock market; and as I sit here right now I have got \$5,400 shares of stock.

Q. At the present time? A. Yes, sir.

Q. Is your property outright, or simply on margin? A. Some on margin, and some I own; every turn of the wheel means \$5,400 up or down.

Q. To you? A. Yes, sir.

Q. You must keep a pretty close lookout on the stock market, keep a pretty close watch? A. I don't do it; I have good friends and nice people who do it for me; I haven't the time to do it myself; there's many things in that line get wrong and they straighten it out.

Q. With regard to these matters, where you rendered service, as you say, as well as performing your duty to these people, in the case of annoying letters, attempts of blackmail, etc., were these offenses stifled or compounded? A. No.

Q. Were they prosecuted? A. No.

Q. What disposition was made of them? A. They were cases that when they found that these people were willing to make a complaint against them the annoyance ceased; they never were officially brought before any court, or officially brought before me.

Q. I know; but is it not a fact, superintendent, that as soon as these offending persons found out that Inspector Byrnes was employed or was interested, particularly interested, I use that term in its broadest sense, on the part of these people that they sought to blackmail, was not that an element in their desisting? A. Yes; well, if a case reached that, and where I interfered in it, or arrested a man and brought him to the office and charged him with that, the complainant positively declining to make a complaint, why the man was discharged as he should be; no man can be brought to court without having a complainant, without the officer can make a complaint against him himself.

Q. Do you remember Nordlinger? A. I don't recall the name.

Q. Well, he was the editor of the Herald — financial reporter? A. I don't recall him.

Q. He claims that you drove him out of the State? A. I don't recall him; if I did he certainly deserved it; I don't recall the case.

Q. Superintendent, can you tell us how much you are worth now in personal property, including stocks, bonds, securities, mortgages, if you have any, as well as household effects? A. I don't think that is a proper question.

Q. Why, superintendent? A. You have got there pretty near what I am worth; you don't want me to give you the interest

that I have got in these stocks that I speak of, do you; you don't want me to give you the names of the stocks.

Q. Why do you decline to give the names of the stocks? A. I decline for various reasons; if, in the first place, I was to give you the names of these stocks there are 250 people, 20 out of the 250 would go down on Monday and try to buy stocks like them, and probably lose money on them; now, I want to say to the counsel that I will be very glad to give the committee and yourself the names of these stocks when I get through here, or any time you like; be very glad to do it.

Q. Then I suppose that you take it that there are a great many people who realize the extraordinary fortune that has followed you and your stock speculations, would go and do likewise? A. It is not necessary to put it that way, I don't think.

Q. Is that one of the reasons? A. No; the reason is just what I say; I am quite sure that they would do it; and I don't want to see anybody lose any money at this time; I think it is a bad time to buy stocks.

Q. You are willing to give us the name of the stocks? A. Yes, sir; certainly, would be glad to do it; I know the committee and counsel would not go down there and buy them.

Mr. Goff.—I can not help, Mr. Chairman, but repeat the conversation of Colonel Fellows, who is an authority on financial matters, that the reason why the superintendent offers to give the committee and counsel the names of the stock, is that they have no money.

Q. We will pass by the stock matter for the present; I ask you, can you give us an estimate of what you are worth all together in aggregate figures? A. Now, you make that real estate \$292,500.

Senator O'Connor.—You mean that question to include what he considers the increased value of his investments and real estate?

Mr. Goff.—Yes.

Chairman Lexow.—What you deem yourself worth at present.

The Witness.—I will tell you what I was offered for it. That piece of property on the corner of Seventh avenue and Fourteenth street I was offered \$105,000 for it as an investment in this way: I never was in that house in my life but once and that was immediately after it was bought; it was put in

the hands of an agent, he let it for 20 years, and, as I understand, the man who hired it spent about \$25,000 on it, because he rebuilt it and beautified it from the cellar; he has got a lease for 20 years; that lease for the first five years is \$6,000 a year, and for the other 15 it is \$7,000 a year, and if the taxes is ever more than \$500 he has got to pay them; that would be a good investment for \$150,000 for a man who had plenty of money to invest; that would be a 5 per cent. investment; that is why he wanted to buy it.

Q. What we are interested in now if you can give us it, is, just what you are worth to-day as you stand? A. Outside of that real estate?

Q. Outside of the real estate? A. Twenty-five thousand dollars to \$30,000.

Q. Twenty-five thousand dollars to \$30,000? A. Yes.

Q. And does that include the stocks that you are carrying? A. Well, it will include all except what I am carrying on a margin; I am carrying a good many of them on margin.

Q. Does it include your deposits on the stock that you are carrying on a margin? A. Yes; I can not get that accurate though noway in the world.

Q. Does that include any money that you have on deposit in any trust company or in any bank? A. I have no money in any banking-house.

Q. Or trust company? A. No.

Q. Any trust certificates? A. I have got \$6,000 in a broker's office down town where I sold some stocks a little while ago, a little over \$6,000.

Q. Is that the only place you have money on deposit? A. That is all, where it is free and clear, where I could go and get it within an hour.

Q. In asking you that question I assume such property as Mrs. Byrnes may have in her name? A. She has no property.

Q. I mean personal property, money? A. She hasn't got any money I know; anything that I've got she's got, and anything she's got I've got, and I've got it all, in one way.

Q. Will you say that in real and personal property to-day you are worth \$350,000? A. No — yes I will, \$350,000 — yes, fully that.

By Senator O'Connor:

Q. That includes the increased value put upon your real estate? A. Yes.

By Mr. Goff:

Q. Now, superintendent, I feel it my duty to ask you questions already raised in the course of investigation; have there been any of these persons who have requited your services in the way of stock investments had the benefit of your aid or services in getting rid of unpleasant persons, and particularly females? A. I think not, sir; I can not recall a case of that kind.

Q. Since you have been superintendent of police what efforts have you made, if any, to break up the system of blackmail and corruption that has been sworn to have existed in the department? A. When I was appointed superintendent of police—I have the right under the rules and regulations of the department, under the law the board of police issues all orders to the superintendent, and through him to the force—I have the right to issue special orders that do not conflict with any orders or rules and regulations that they may make; I am absolutely subservient to them; there is a rule in our department that requires captains of police to report quarterly the number of houses of prostitution and assignation and gambling-houses, etc., in their respective precincts; when I took command there was a number, that I can give you later on, of houses of that character reported; that is the only information that came to the superintendent of police; I issued orders that the captains of the various precincts, on the Thursday, I think, of each week, should report to me the general condition of their precinct relative to the uniform enforcement of law, whether there was any houses of prostitution, assignation, gambling-houses, policy offices, places known as dives, etc., in their precinct, and if so, what efforts they had taken to suppress them; I issued a similar order to the inspectors of police in charge of the several districts, directing them to make such report to me, and asking them for the uniform enforcement of that in their respective districts; that had a tendency of itself of getting me into an intelligent position, and, if the reports were true, of the general conditions of the city; the reports were made, and have been made right along from then up until now; the result of that was that it caused the arrest of a large number of those people in various parts of the city, and drove them probably from plying their vocation as they had been heretofore; for the two years and eight or nine months before I became superintendent of police

I think there were 500 houses of prostitution arrested in New York; I was responsible for a great many of them myself, because I was acting superintendent of police for a short time while the superintendent was sick; during the same period of time since I have been superintendent of police there have been three times as many arrested with over 3,000 persons in them, and I want to say here, for 12 years previous to me being made superintendent of police, for 10 years previous to April 12, 1892, I was entirely eliminated from the police department, so far as its discipline was concerned, or so far as that class of crime was concerned; the bureau that I had charge of for that 12 years, their efforts were directed in another and a different channel; there were captains of precincts and inspectors of districts, and superintendent of police, and I absolutely had nothing to do with the discipline of the department except from April, 1892, up until date.

Q. Was not the increase in the number of persons arrested for keeping disorderly-houses, since you have been superintendent, largely due to the activity of Dr. Parkhurst's society? A. They were a good auxiliary, yes; I want to give Dr. Parkhurst all the credit I can, although he is just pounding me every time he gets a chance.

Q. Well, Superintendent Byrnes, but for the efforts of Dr. Parkhurst and his society, is it not a fact that these things would have gone along in the same way? A. Dr. Parkhurst created a public sentiment here that it would have been a physical impossibility to bring about the state of affairs that there is here to-day if that public sentiment had not been manufactured; now, when I—pardon me—

Q. Proceed? A. When I became superintendent of police, I believed there was corruption in our department; our department was honeycombed from top to bottom in very many ways, instead of the patrol force of our department having an incentive for the purpose of going out either in the day or night, taking their life in their hands, or anything else, to discharge the duty in hopes of reward—that thing had all left our department; the only incentive—that I have told the board of police over my own signature more than once—the way in our department was this, the men in our department believed they had to pay for their position or get it through some private political preference, and that was the only way they could be promoted; there was no incentive.

By Chairman Lexow:

Q. No promotion on merit? A. Merit had nothing to do with it; it was not taken into consideration; the rank and file thought so; the patrol force thought so; there is not anything on earth that the patrol department would do in the defense of life and property if they were properly handled; nothing on earth; they have been tested 100 times, under all circumstances; but there is no incentive; I had that feeling when I was made superintendent of police; I tried every way in the world that I could for the purpose of getting evidence to prove that; I could not get such evidence as was positive; if I did get some that was positive I brought him before the board of police; they would be discredited; they would not be believed; or when they were corroborated, if I took them before Col. Fellows he would not believe them; if I took them before the grand jury, the disreputable women, who said she gave a policeman \$100, the grand jury would not believe her two years ago, they would say, where is your corroboration; and the public sentiment that has been manufactured during the last two years makes it possible for those people to come and tell the truth; if they do do it, and at the same time gives a public backing behind them; now from my knowledge of disreputable people, when I found that I could not get that evidence I made up my mind I would make it possible to get the thing some way, and I put this committee in a position to make it possible for them to get that evidence; the first thing I did was to ask the police commissioners to transfer the different captains in New York; they did so; I insisted on the captains in a few of the precincts, the Eleventh, the Nineteenth, the Fifteenth, the Fourteenth and the Twenty-second; I mentioned these particularly because in those particular precincts those people were more particularly located; I insisted upon their arresting them; when they got tired of doing it, or I could not get it done, I had the captain transferred and got another one there; the result was they were driven from pillar to post; if it is true money was taken, the next man came in and arrested them; and it was only a question of how long that will last; you take a lot of people in a disreputable business, if they can carry on that business without paying for it they will do it, if they can not carry on that business without paying for it they will pay for it so long as they are protected; they arrested those people, and that has

made—and probably with the public sentiment that is attributable to Dr. Parkhurst more than any other person—it has made it possible to bring about the present state of affairs to-day; this committee had the benefit of another lot of influences; they have had the district attorney, who has come into this court on one or two occasions and stated that in every way he could further the committee and protect the people he would do it; judges on the bench have sent to the prison where women have been charged with crime and brought them before them and discharged them, provided they would come here and testify; those things all had the tendency of bringing about these state of affairs; there is no one man that could bring it about; I could not bring it about, but had been a factor, one of the strong factors, in bringing it about, because if I had not driven these people from place to place, from house to house, where they became despondent after giving up their money, if it is true they did give it up, they were willing to tell; and I want to draw the attention of the committee to this; as I read it in the newspaper, there has not a witness presented themselves on this stand and testified they gave money to a police officer, no matter what his rank was, for protection, that did not do it because they were driven from place to place, because their money was taken away from them, and they were arrested afterward, and drove out of it; I did that; I am responsible for that; and I know of my own knowledge of thieves, that it is the only way that can be done through a state of facts of that kind.

Q. You are mistaken in a few of your statements? **A.** If I am mistaken, Mr. Goff, it is an honest mistake.

Q. Well, first, you are mistaken with regard to the judge discharging a prisoner on condition that she should come here and testify; the discharge was made after she testified? **A.** No, sir; this woman was in the Tombs, charged with an offense, and Judge Martine sent for her and discharged her.

Q. You are mistaken; we brought down that woman from the Tombs; she was in charge of a keeper when she testified—Lena Cohen—and on the suggestion of this committee, sending one of its counsel to the district attorney, this woman having lain so long in the Tombs, and she being friendless and poor; some months she had lain in the Tombs, and when the matter was brought up to the attention of the district attorney, the district attorney, in consideration of her helpless condition and the imprisonment she had already suffered, recommended her discharge.

by Judge Martine? A. It is one and the same thing; that was an incentive; one of the many things that went to make up this case; it is one of the things that helped to do it.

Q. You are mistaken when you say that no person has gone on this stand and testified to having paid the police officers money, unless that person was driven from place to place; as a matter of fact, the principal witnesses to that blackmail have been women who were in their houses undisturbed for years? A. Then their business was entirely prohibited and discontinued by the police annoyance given them in that particular location; I have never been in this room but once before; what I say was taken from reading the newspapers.

Q. I will take the case of Katie Schubert, that she had continued undisturbed; I will take the case of Rhoda Sanford, and she had continued her business undisturbed; I will take the business of Breen, who was undisturbed? A. You are mistaken about his not being undisturbed.

Q. I take Mrs. Hermann again, that made a great deal of money, and ran three houses in the Fifteenth; her business was never disturbed? A. No.

Q. She was never raided or arrested, except once and then the complaint was not pressed? A. Didn't she run away; that is, when they wanted to get her away; the statement—

Q. Now, superintendent, in relation to the portion of your statement I wish to ask you, if you did not know of this charge, or presentment at least, to the grand jury, and this question was called to your attention? Mr. Moss, please read it, that last paragraph.

Mr. Moss.—“Circumstances of testimony offered have tended to show financial considerations, in some cases, for lax administration. Indeed, the publicity with which the law is violated and the immunity from arrest enjoyed by the breaker is inconsistent with any other theory. It is obvious that when a confession by a lawbreaker of payment for protection will subject him to penalties not only for his acknowledged crime, but also for bribe giving, it is extremely difficult to collect trustworthy evidence in direct proof of such charges.” That is not the paragraph. Here it is. “The present situation certainly warrants the condemnation of the police department in the matters above mentioned. The force is paid liberally for the work of enforcing the law. They do enforce the law

in many respects in a superior manner, but if they be permitted to discriminate in favor of certain forms of crime for reasons well known to themselves, there is no telling where the same course will lead them to, or leave the interests of our city." That is the presentment from the grand jury in March, 1892.

The Witness.—I understand that presentment. I have read it frequently.

Q. Now, having that presentment in your mind, when you took possession of the office of superintendent of police, what I would like to ask you is, what were the specific efforts you made, if any, to correct the evils complained of by the grand jury? A. I just stated the efforts I made.

Q. You have read that, "They are either incompetent to do what is frequently done by private individuals with imperfect facilities for such work, or else there exists reasons and motives for such action which are illegal and corrupt; the general efficiency of the department is so great that it is our belief that the latter suggestion is the explanation of the peculiar inactivity;" that is the corruption; now, superintendent, having that presentment before you when you came into the office of the superintendent of police, what did you do, if anything, to check the corruption complained of by the grand jury? A. I have stated what I have done.

Q. But it has been said here on oath by several witnesses that the corruption has been general throughout the department, not only the officers of the department levying blackmail upon disreputable resorts and law breakers, but actually among themselves? A. That will always exist, Senators, as long as it is distributed in the promiscuous way it is now in our department.

Q. That does not answer the question; where the wardman collects from the disorderly-house keeper, and the gamblers and the wardman pays to the captain, and the captain to the inspector, there the evil runs all through the department; now, did that condition of affairs come to your knowledge? A. No, sir; not in the way you put it.

Q. Well, I mean to say—I will take the case where it has been sworn to by a number of officers, and by a sergeant of the steamboat squad of intelligence, that for years these officers received money from the docks and the steamship companies, and that they were required to pay that money over, or a portion of it, every month to the captain in command of that precinct; did

you ever know or hear of such practices as that? A. No, sir; I did not know it.

Q. And the sergeant or acting captain on that precinct has sworn he paid that money over to the inspector of the district? A. Yes, sir.

Q. Did you ever know of that? A. No, sir; I did not.

Q. Another captain of police has sworn here that he paid regularly in every precinct in which he was stationed to the inspector of that district a part of the moneys levied by him or collected by him from the lawbreakers in his precinct; did you ever hear of that? A. No, sir; if these things are true you can—a collusion can grow up in years amongst subordinates and superior officers where a state of circumstances of that kind can exist, and it would be very difficult for the superintendent of police, providing he was an honest man, to know it; they will tell thieves about it; they won't tell an honest man.

Q. You evidently have changed your opinion as to the character and the condition of the department since the presentment of the grand jury, because at the time of that presentment April 2, 1892, the New York Herald reports you as saying, "According to my way of thinking," said the inspector, "the fact that a body of men constituting a grand jury which only sits for a month, have brought in such a presentment against a police department whose efficiency can not be equalled in this or any other country, is a gross outrage?" A. You are reading newspaper clippings, I do not know anything about it; how do I know whether I ever had that interview?

Mr. Moss.—I will start over again: "According to my way of thinking," said the inspector, "the fact that a body of men constituting a grand jury which only sits for a month have brought in such a presentment against a police department whose efficiency can not be equalled in this or any other country, is a gross outrage. If there is a single member or any number of members of the police department who have been guilty of committing wrongful acts they should be indicted and punished as they deserve, but to blame a whole department for the acts of a few, I say again, is an outrage. It is a question in my mind," concluded the inspector, "if these outrageous insults continue whether I shall not prepare my resignation as an inspector of the department and tender it to the commissioners rather than submit to them." That is the quotation.

Q. Do you remember making use of the language reported in that interview? A. I have no recollection of it; and I may have made a part of it at that.

Q. And The World reports substantially the same language; The World says: "Chief Inspector Byrnes said, 'The presentment is against the whole department and reflects on the police; if any member of the department had been guilty of wrong doing, he should be indicted and punished; it is an outrage to make such a presentment against the whole department;'" do you remember using that language? A. I think that now, yes, that language; I now think it is an outrage to make a presentment against the whole department for the acts of a few; these men should be culled out and the evidence got against them, and punished and sent to prison if you please.

Q. But, superintendent, officers of the department have sworn it has been the universal custom in the department? A. Well, that is in some cases.

Q. Now do you remember that Foreman Tabor of the grand jury estimated the blackmail, or the income derived from blackmailing and extortion of different sources, at \$7,000,000 a year? A. Well, I don't know Mr. Tabor who makes that statement, according to what you say—where he gets his information from; if he has got that information he should furnish it to the district attorney, or the proper authority, not make it in the newspapers.

Q. Yes, but this gentleman had been a foreman on the grand jury? A. If he had that information as an official and foreman of the grand jury it was his imperative duty to indict somebody or furnish the district attorney with the evidence.

Q. He could not indict the whole department? A. I went to a lawyer after that presentment was made; the brightest legal mind in this State.

Q. Never mind that, superintendent, let us see what you are reported to have said about Tabor; this from the Telegram of that date: "The man that made that statement is more fit for a lunatic asylum than a grand jury room, that is all I have to say," said Acting Superintendent Byrnes;" do you remember using that language? A. I am not here to answer newspaper criticisms.

By Chairman Lexow:

Q. Do you remember using that language? A. I do not.

By Mr. Goff:

Q. It has been testified to here that for years the produce dealers of this city have been subjected to extortionate demands made by policemen for using the sidewalk; do you know anything about that? A. I never heard of it until that evidence was produced here; excepting in an isolated case, where I learned there were some officers doing that in the Eleventh ward with some of those Hebrews that were selling stuff; I arranged a plan, and they were arrested and indicted by the grand jury, and got the people to make complaints against them; and I don't know whether they have ever been tried or not.

Q. Now, superintendent, the same state of affairs existed among the sailmakers, down in South street; and with the builders, and almost every branch of trade and commerce in the city of New York has been more or less subject and subjected to demands by the police for monthly payments; now could that condition of affairs have existed without your knowledge as head of the department? A. Yes, sir; yes, sir.

Q. Then superintendent, can you say that you were competent as a superintendent of police, if such a condition of affairs existed and could exist without your knowledge? A. Thoroughly so.

By Chairman Lexow:

Q. Just explain that, Mr. Superintendent? A. I will explain it in this way; when I was made superintendent of police, by the course that I pursued — if those things existed, just as these gentlemen say they do, and as you have adduced testimony here they do — it would have been a question of time for me to find it out; it is true what I did; it might have been a month, or two or three or four months, if this committee had not come here as they did, when I would have been in possession, probably, of one-half or three-fifths of the information you gentlemen have got here; I have never been able to utilize it as you gentlemen can utilize it; because what I did individually and alone would have been very hard, and it would have been an uphill fight for me to do it; it is on account of the public sentiment manufactured here, and what the superintendent of police did, by driving those people from place to place, that it has been possible to bring about this state of affairs.

Q. Well, but, superintendent, is this the fact, that but for the efforts of Dr. Parkhurst, and the effect of public opinion aroused by him, and but for the efforts of this committee in connection with this condition of affairs, that that corrupt condition of affairs in the police department would have gone on and continued? A. I do not think so; no, sir.

Q. How could it have been stayed? A. Well, I think it would have been stayed, but I could not have stayed it in the way that this committee has; because I would have been an individual alone fighting against this thing.

Q. That is just what we want to get at; you say you could not have stayed it as superintendent? A. To the extent, that is all.

Q. Had you sufficient power in your hands to stay it? A. No.

By Chairman Lexow:

Q. What did you lack? A. I had no power except myself.
Mr. Goff.—That is what I mean.

By Chairman Lexow:

Q. What power did you lack, superintendent? A. We lacked power as—you lacked having, or should have very much more power than you have got; I mean by that the superintendent of police is so tied up that he can not do anything relative to detailing men or putting men on special work, no special fund for the purpose of getting evidence without acquainting the commissioners of police.

Q. Commissioners Martin and Sheehan have stated under oath that they left all that matter to the superintendent of police; they say they have nothing at all to do with it? A. The superintendent of police has no power to detail a man; the only person who can detail a man is the commissioners of police; I have no power to do it.

Q. Here are two commissioners on the stand—? A. I am telling you what the rules and regulations, and what the law is.

Q. Rule 41 says, that you are the executive head? A. Yes.

Q. And rule 2 says, that the board of police commissioners constitute the department of police, which must be subject to all its orders and regulations; that is true according to those rules, what you say; but in practice two commissioners have stated, in practice, that you discharged all the executive duties

of the department, and that they had nothing whatever to do with it except with the administrative work? A. I discharged what little is left to me, and that is very little; I had not the power to transfer a man; if a police officer is out on Broadway now, and he committed some public outrage, and was unfit to remain there, I have no more power than you have to send him up to Fourteenth street.

Q. That is an extraordinary state of affairs, in the light of these two commissioners' statement? A. None whatever.

Senator Cantor.—I think they stated, Mr. Goff—not the way you stated—that the superintendent recommended the detail, and the board themselves acted upon that.

A. The superintendent does not recommend the detail.

Senator.—He made that statement.

A. He made a statement that is not true.

By Chairman Lexow:

Q. You seem to lay too much stress on it, superintendent; do you mean to say that if you had the absolute power of detailing and transferring that that could have preserved at least some degree of purity in the police force? A. If I had that power, and the department got into the condition that it is said to be in to-day, I would be unfit for the position of superintendent on the force.

By Mr. Goff:

Q. So then we have it this way, superintendent, that if you had adequate powers, and if these corrupt practices had continued, you being vested with adequate powers, you would have been unfit to keep the position of superintendent of police? A. I would if I had not discovered it and prevented it.

Q. And if you had discovered it you could only be in the position of allowing that to go on by having complicity with them? A. That is all, sir; that is all, sir; now let me say to you about detailed men; the abuses relative to these sidewalks have grown up in this department probably within the last five, six, seven or eight years; the cause of that is this, in my judgment—and I speak entirely from police standpoint—until within the last four, or five or six years, a captain of police would have the right to detail a man on violation of corporation ordinances in

their precincts; the commissioners took that right from them and they detailed themselves, and they are the ones that are responsible for the detailing of those men if they committed any outrages relative to the merchants in the city of New York; the captain of police would not be tolerated if he attempted to detail a man on ordinances.

By Chairman Lexow:

Q. Has a controversy ever arisen between the captains and the commissioners on that subject? A. I think so; they simply took that away from them, they used to do it; they detailed them for people in the precincts for various reasons.

By Mr. Goff:

Q. There is one question I want to ask you here in reference to Dr. Parkhurst and his society; you were reported—and I think it only proper to give you an opportunity to either admit it or deny it or correct it; it has gone into the public press as coming from your lips that, “My experience since I have been superintendent of police is that Dr. Parkhurst’s agents are in the main blackmailers; instead of preventing evil they fomented and the agents lived off it; I challenge any society or agent to made any statement of wrongdoing against a police officer; if they do, I will give the accused man a trial in 48 hours; the State Legislature will soon meet and I shall appeal to them to pass laws confining such societies such as Dr. Parkhurst’s to their proper level; as to Dr. Parkhurst personally I may have something to say later;” were you reported correctly, superintendent? A. In justice to myself I want to state here that that interview never originated from me and I never made such a statement.

Q. Here is substantially the same interview in the Press of the same date, “My experience since I have been superintendent of police leads me to the belief that these societies are for blackmailing; instead of preventing evil they create and foster it and the agents lived off of it; I challenge any society or any individual to make any statement relative to any police officer’s wrongdoing, and I pledge my word I’ll have that man on trial inside of 48 hours; there is nothing I’ll not do to purge the police force; the attacks on the police come in the shape of insinua-

tions and are discreditable to the members of the society, and particularly the cloth of the men claiming to be Christian gentlemen; as to Dr. Parkhurst I may have something to say later; when I do, it will be when I am prepared to back up every statement I may make with proof;" that is substantially the same language? A. That interview I never had, neither one of them; I may have something to say, but that has all been distorted and added to, and that language I never used.

Q. While it occurs to me, superintendent, do you remember after you were made superintendent, calling all the captains together and the inspectors together? A. Yes.

Q. Do you remember issuing orders to them with regard to the suppression of disorderly resorts, and gambling-houses particularly, in their several precincts? A. Yes, sir.

Q. Had you occasion within a very short time, a few weeks thereafter, to prefer charges against some of those officials for failure? A. No; it was some months afterward.

Q. Against what officials did you prefer charges? A. I made a complaint against Inspector Williams, Inspector McAvoy, and wrote a letter to the board about the conditions of Inspector Conlin's district; I made complaints against Captain Doherty, that was in Inspector Williams' district, and Captain Stephenson at the same time he was in Inspector McAvoy district.

Q. What was the result of those trials? A. The cases against the inspectors were dismissed, and the captains were reprimanded; as I stated in a report afterward to the board of police, one of the inspectors on trial — he said there was nothing in the rules and regulations to compel him to suppress those houses in the different districts or in his own district; and I drew his attention to the Consolidation Act; it didn't make any difference what his rank was, he had the duties of a police official to perform; and I went before the board of police and asked them to alter that rule so that it would hold the inspectors responsible for those places in their several districts; they declined to do it and would not do it.

Q. You mean us to understand that the commissioners did not sustain you in your efforts to enforce the discipline that you thought was necessary for the department? A. Those are the facts in this case that I have told you, sir; they declined to do it.

By Chairman Lexow:

Q. Did you state your reasons for making the suggestion?

A. Very fully.

Q. And that it would be in the interest of discipline, purity and efficiency in the several districts? A. Yes, sir; they told me they would not do it.

By Senator Bradley:

Q. Did they give any reason for not doing it? A. Well, they said that if they did it, they would have to give each inspector a corps of detectives and they had no men; I said, that is not true; the inspector of this district, if he pleases, has got 1,400 men; the inspector of the third district has 1,200 or 1,400 men; the other inspector of the other district has 1,400 men in his command to aid them at any time in the performance of police duty; of course, to be reported to me immediately afterward; but they had the right to do it as inspector of police; and in the discharge of any police duty they have a right to take men to go on and do it; they are useless in their position if they do not.

By Chairman Lexow:

Q. As a matter of fact they did not do it though? A. The commissioners did not alter the rules; no, sir.

By Mr. Goff:

Q. We have evidence here that blackmail collected by police officers found its way to wardmen, to sergeants and captains and inspectors; and it has been frequently asked, and I ask it now, can you say here, under the solemnity of your oath, if it ever found its way higher than inspector, so far as you know? A. So far as I know, no; I can only speak for myself; I defy any man in the police department that wears a uniform to-day or to-night, or any man outside of the police department, to point his finger at me and ever say he ever gave me a dollar in his life in a dishonest way; I say that with some pride, too; and if I had not been in that position for the last two years and a half I think the department would be in a very different position than it is.

Q. What do you mean? A. I mean that from — in the line of discipline I have tried to enforce discipline in every way I

could, and there was a laxity of it that should not occur; and the only way that such a state of things could occur would be because there was some intimacy between the officers in the department, and the superiors and subordinates.

Q. Superiors above you—commissioners and subordinates?
A. That I don't know

Q. When you say "intimacy," do you mean an understanding to tolerate the existence of these evils? A. I sometimes thought so, but I could not prove it; I thought for many times, and I want to say to you now, sir, here, that I would have retired from the department twice since I have been superintendent of police.

Q. What do you mean, superintendent? A. On account of certain things that have occurred; but I thought that I owed a duty to the people of New York to stay at the head of the department, and do the best I could with the department until there was a change of some kind.

Q. You say that you thought it to be your duty to stay by the department? A. Yes, sir.

Q. You have stayed by the department until it is now proven before the public, to use the words of one of the officers of the department, that the department is rotten through and through? A. I don't believe that.

Q. But it has been so sworn? A. It don't make any difference who swore it; that is not true.

Q. The evidence has been accumulated here mountain high?
A. Against individuals and against men.

By Chairman Lexow:

Q. You said a little while ago, that as soon as you were made superintendent that you were satisfied that the department was honeycombed with corruption? A. I did not say that.

Q. Those were the expressions used? A. Let the stenographer look at it.

By Mr. Goff:

Q. You are mistaken, it was honeycombed; is it your recollection that it was honeycombed with abuses? A. I believe that; yes, sir.

Q. Does that agree with your recollection? A. Yes, sir; there is no question about that; I followed that up by saying that the department was impregnated with the idea that the man could

not be promoted without he paid for it; or for some particular political preference; that merit and fitness for position went for nothing; and that is true.

Q. Commissioner Sheehan has sworn when he went to be commissioner of police that he heard of the fact from common rumor that the liquor dealers were being blackmailed by the police; did you ever hear such rumor? A. I did; yes, sir.

Q. Did you ever do anything or take any steps to investigate it? A. I did everything I know as superintendent of police to get evidence of the fact, and could not do it.

Q. Did the board of commissioners, either by personal order or official resolution, direct you to make any investigation touching blackmail made to the police? A. They did not.

Q. We have evidence sworn to that this very year there has been in the precinct south of the Harlem policy-shops run openly and doing business; could such policy-shops exist in such precincts without the knowledge of the captain of the precinct? A. Not doing an open business they could not, but the policy business is a peculiar business; men will go in tenement houses and back rooms of stores, and go out on the street corner and find their policy; but a man can not keep a policy office and store that is set apart for that particular business, and if he does business there for any length of time without the police being able to break it up.

Q. But we have in evidence that the policy business in this city is in the hands of four or five men, and that they have it parcelled off, and that these backers pay the police captains in the several precincts from \$10 to \$20 a month on each establishment; could such a system or custom exist without the knowledge and complicity of each police captain in each precinct? A. I don't think so; nor do I think that ought to exist without the knowledge of the superintendent of police, providing he was vested with a sufficient amount of power to handle and direct the uniform force of this department; I think the superintendent of police ought to know it, except in isolated cases.

By Chairman Lexow:

Q. And you can only account for your ignorance of that condition of affairs, on the ground that you do not have power to detail and change men from place to place and in various precincts of the city? A. I do not plead ignorance on that; I have

heard that as a public rumor; I have heard that; that is one of the condition of things with others that I have been trying to break up since I have been superintendent of police.

Q. Can you state here that in any given case your efforts to correct the abuses and evils which you recognize existed in the department were thwarted by the police commissioners? A. I can not; no, sir.

Q. What is the general policy and attitude assumed by the commissioners? A. I would rather not go into that.

Q. I think it is a very important question, superintendent, to inform this committee on the conditions of the department and to inform the Legislature.

By Chairman Lexow:

Q. You are asked as an official now, and not as an individual. A. The conditions and system, in my judgment, as it is, is wrong; these sources of abuse have grown for 30 years, until they reached the state they are now; and there is nothing, in my judgment, will rectify it except some radical legislation.

By Mr. Goff:

Q. Before we touch upon that again, we have it in evidence here, and in the record of evidence, and admission of one if not two of the commissioners, that the force has been badly injured, if not demoralized, by the interference of local politicians; have you any knowledge on that subject? A. I have; they are a curse to this department and always have been, and just so long as politics is the prevailing element in this department, and the incentive to put men on the police and promote them, you can not make a good department out of it.

Q. So that as a matter of fact local politicians have been able to secure the transfer from one precinct to another by the commissioners over your head? A. Yes, sir.

Q. And without your knowledge, I believe? A. Yes; men have been transferred in this department for going and doing what I told them to do; when I tried to enforce the excise law, men that would make arrests, as I instructed them to do, were transferred; I went to the commissioners and tried to get them to rectify it, and they would not do it.

Q. What about that order preventing the officers from obtaining evidence as to the violation of the excise law, except while

they were in uniform? A. That was simply a pretext to prevent the enforcement of the excise law.

Q. You mean that the order compelling officers to go in uniform was simply a pretext? A. Yes, sir; the communication that came over was not an honest one, because I have heard, Senators, that it emanated, in way, from the liquor association, or the different liquor associations, and was sent there through these people.

Q. Didn't you make some order directing the officers to go in citizens' clothes into the liquor stores to obtain evidence? A. That was recently.

Q. Why? A. I found I could not enforce the law; in the first place the commissioners of police had a right to make the rules and regulations under the law to guide the department, and relative to the proper uniform enforcement of the law; they passed a resolution forbidding police officers to be put in citizen's clothes, or directed to assume citizen's clothes for the purpose of getting that evidence; that virtually gave the liquor traffic in this city carte blanche to go on with their business, because no man in uniform can obtain evidence against a liquor store violating the law; there is no man will sell a man in uniform; and they put it in a position that those people should violate the law with impunity; I sent for the police captains and talked with them about it; and the best I could do, and not violate the order of the board of police, was this: I told them that any place they found, or any place that was reported to them that the law was being violated, that I wanted them to put a man in citizen's clothes and send there and try and get the evidence, and that I was responsible for what I told them to do; that was only done in isolated cases; and the law could not be enforced as it should be; and I want to say in addition to that, you can arrest 500 liquor dealers every Sunday, pass any kind of law you like, and if the courts here do not recognize it as a violation of law, and punish the men accordingly, it can never be enforced; it is a farce; it is simply a farce, the liquor law is.

Q. I want to ask you in relation to a noted interview that appeared in the New York Sunday Sun, December 17th, of Mr. Croker, in which Mr. Croker stated that he, or "we," I forget which—I had the interview here—had closed up the pool-rooms; "We," speaking of the political organization of which he was a conspicuous member; Commissioner Sheehan went

on the stand and admitted here that the pool-rooms were only closed up at that time that Mr. Croker said that that he or Tammany Hall had closed them up; why were not the pool-rooms closed up before the members of a political organization directed they should be closed up? A. After I became superintendent of police, or about that time—before it—magistrates as a rule would not hold people for violating the pool law; there were a number arrested, and they were promptly discharged as a rule, and many of the magistrates told the officers that they must not make these arrests again and bring the people into court.

Q. Now, I ask you what change was effected in 1892 when these gentlemen of Tammany Hall said the pool-rooms must be closed and they were closed, what change was effected in the action of the magistrates? A. There was not any change in 1892; in 1892 I was having officers arresting these people frequently; they would be taken to court and the officer would be promptly reprimanded as a rule, and the prisoners discharged; I was going in the Hoffman House one night and I met Mr. Croker, and he spoke to me about a number of complaints that came to him relative to the destitution that pool-rooms had brought on to families, etc., and I told him the difficulty there was in trying to suppress it, that the magistrates would not hold them; he said he would see the mayor about it; he did see the mayor; I had a couple of interviews with the mayor, and the mayor sent after these magistrates, and they were all agreed afterward; there was no trouble to break up the pool-rooms at all.

Q. Now, we have it that the police magistrates of the city of New York failed in their duty until a private citizen called the attention of the mayor—a private citizen, Mr. Croker? A. I have told you the fact exactly as it is.

Q. And after Mr. Croker called the attention of the mayor to the condition of affairs, and the mayor had seen the police magistrates, they held those accused of violating the law? A. Held every one of them; and there was one case or two cases of a magistrate up-town who discharged them, and I saw the mayor about it, and he said he would give them rats.

By Senator O'Connor:

Q. Was this after the pool law was amended in 1892? A. No, sir; at that time Mr. Nicoll had talked with me about it, and

he had prepared a bill—he was district attorney at the time—relative to making it a felony for selling pools or having pooling places.

Q. Every place except under the Ives Pool Law? A. Yes; that became a law on April 2, 1893; these pool-rooms were closed between the 6th of March and the 12th of March; I know it was immediately after the inauguration of Cleveland.

Q. They were closed really before the law was passed? A. Yes., sir; I could have closed them at any time if the magistrates had held them; it was only a question of holding them.

Q. They claimed to have some decision holding that they had not the right? A. There was a decision in the court; that is the case that was carried to the Court of Appeals, and the Court of Appeals held that a common carrier had a right to carry those things to a race track, but I was ready to show, as I told Mr. Nicoll, because he made up two or three cases, that this money never was transmitted to the race track at all, that they had a man at the race track, and had telephone or telegraphic communication; but that the money was a pretense, it was merely an evasion of the law.

By Mr. Goff:

Q. We have had some testimony here upon the question of the interference of the police with the election law; have there been **any occasions where any of the commissioners interfered with you in your orders to the police regarding elections?** A. What do you mean; I don't understand you.

Q. Well, I will put my question in this direct shape; you remember the election of 1892? A. I do.

Q. Was there any interference with you in orders that you gave to the police department prior to that election by one of the commissioners? A. Well, there was a very serious difference of opinion; previous to the election of 1892 public opinion ran very high here relative to the anticipated conflict between the United States marshals and the police; the public mind was worked up by articles in the newspapers relative to this trouble; the Sunday before election, or the Saturday before election, I sent for the captains and the inspectors to report at police headquarters at 2 o'clock on Sunday; some time during Saturday afternoon Mr. Martin came to me and asked me if I had sent for the captains; I said, "Yes," he said, "What for;"

I told him it was relative to detailed instructions for election day, and it would probably be the last time I should see them, except when they were sent for individually after election; he said, "I am coming down there;" I said, "I don't think that is a wise thing for you to do;" I said, "Public opinion is running very high, and if you come there it might invite some criticism;" and I said, "It was in his interest," and he said, "No, he was coming there, and went away;" I went upstairs and saw McClave, who was a Republican.

Q. That is, reputed Republican? A. He was a Republican; he was one of the shining lights of the Republican party; I explained the matter to Mr. McClave, and I said, "Now, Mr. Martin is coming here, and I don't know what it is for; it is an unusual proceeding;" I said, "I never knew such a thing to occur before;" and I asked him to come, and he thought it over a little while and he declined to come; what I wanted him to come there for, was to be present so that he could represent the Republican party providing the Democrat said anything, or if the Republican said anything the Democrat would be there; my whole object was to have a fair and impartial election; the officers came there the next day and Mr. Martin came there, and they were instructed relative to their duties on election day, as there are very many relative to properly distributing the election paraphernalia, and the counting up and the transmitting of the returns, etc., to police headquarters; and after I said all I wanted to say in that detail, Mr. Martin had made a speech to the men, had something to say to them, relative to their own duties on election day, and relative to the duties of the United States marshals; I did not like what he said when he got through; I had something to say when he got through talking; I think I made myself very clear what their duty was, and that was all there was about it.

Chairman Lexow:

Q. Then if Mr. Martin has testified on the stand here that he made no statement or speech to the captains he must have been mistaken in that statement? A. Mistaken?

Q. Yes?

Senator Cantor.—He said he did make a statement. He said he was called upon to say something, and said something, and made a statement to the men.

By Senator Bradley:

Q. And if Mr. Martin testified under oath here that you personally invited him to be present there, did he say what was true or false? A. He said what was false.

Q. That was his testimony that you invited him to address the men? A. That is also false; and I want to say to you gentlemen that after that meeting was over, so that that must not be true, I had two police captains come back and kiss my hands for what I had said, after he had left that room, for taking the position I did take; the issue came and I had to meet it; it was a question of protecting the right of our citizens on election day in their undisturbed right of franchise; so far as the Republican or Democratic party was concerned I did not care that; I had a duty to perform and I performed it; fearing anything might occur I sent to Mr. Elihu Root, and he came to my office; he was the counsel for the United States marshals in the post-office building; I had a talk with him about it, and I told him what might occur on the public highway relative to the United States marshals; and I asked him if I telephoned to him during the day, giving him information of a United States marshal acting disorderly on the public highway, or in and about the public booths, if he would have him taken away from there; he said, yes; I asked him to give me the same information relative to police officers, and I would do the same thing; the result of it was that during the whole day, while the vote was being received, Mr. Root sat at the post-office at the end of a telephone; and I at police headquarters, so that if anything occurred in the public highway that had anything to tend to create a riot or bloodshed, or interfere with the people in voting, it could be promptly rectified.

By Chairman Lexow:

Q. Was this action on your part the result of impressions left on your mind that might be made upon the captains by Commissioner Martin's speech to them? A. I believe this; I believe if I had not said what I did say to the captains after Mr. Martin getting through that there might have been trouble in certain parts of New York on election day.

By Senator Bradley :

Q. A conflict between the police and the United States marshals; is that what you meant? A. Yes, sir.

By Mr. Goff:

Q. In the election of 1892 a great many outrages upon the franchise, upon the ballot-boxes, were committed, as was proven by the convictions of the offenders against the law, and a great many complaints were made against the police for not enforcing the law in the election of 1893; can you tell us why it was that at the election of 1893 the police remained passive, and allowed those outrages to be committed, particularly in the lower wards of the city.

By Chairman Lexow:

Q. Or in some cases were active participants in the outrage?

A. Well, there were some cases of that kind brought to the knowledge of the commissioners; but I could not tell what was the nature of the outrage.

By Mr. Goff:

Q. Well, I will cite a case now for your recollection, that I would like to have some information on, touching the Louisa McCarthy case; you remember that case? A. I do; yes.

Q. That was a case where a lawyer and another man were arrested and indicted for extorting money from Louisa McCarthy? A. Yes.

Q. Keeper of house of ill-fame? A. Yes.

Q. Were you interfered with in the progress of the case by one of the commissioners? A. No.

Q. Is it not a fact that Commissioner Sheehan interfered with you in that case? A. No.

Q. Did he intend to interfere? A. That I don't know.

Q. But were there not some obstacles thrown in your way in that case? A. None that I recall just now.

Q. You found that you could enforce order here in the city of New York through the police force without the use of clubs, did you? A. Yes, sir; after I was made superintendent of the police I thought that the police force of New York could enforce the law without carrying a club in their hand.

Q. Now, of course, you have heard and read of a good many clubbing outrages upon the citizens by policemen? A. Yes, sir; and it was one of these outrages that I tried to correct;

and I got up a different kind of club for them, and some rules and regulations; and asked the police commissioners to adopt them; and after some time they did adopt them, and the result of it was that the large club was taken away from them.

Q. So that policemen can enforce order and protect the citizens without being armed with these big clubs? A. They can; yes, sir.

By Senator Cantor:

Q. That was shown, superintendent, during the Columbian celebration here? A. Yes, sir; that was shown very clearly.

By Mr. Goff:

Q. Can you say that now at the present time that the police department is in a good or a bad condition? A. Well, it is in a bad condition, in—

Q. Now, stop right there, please; can you, superintendent, under the present condition of things effect any change or improvement? A. Under the present condition of things?

Q. Yes. A. No.

Q. And if the present condition of things exist your office would be simply ornamental? A. That is all; if a man was not a strong man in the position of superintendent of police as it is to-day, he would be a nonentity; he is simply a figurehead.

Q. If he were a strong man, and under the present condition of affairs, the result would be continual conflict between himself and the commissioners? A. That is my case.

By Senator O'Connor:

Q. Supposing you had the power to make all assignments of policemen and captains, and change them around to whatever precinct you saw fit, and had full authority to direct the movements of all the policemen, of all the entire police force, could this thing be remedied? A. I think so.

Q. What greater power than that ought the superintendent have? A. I think the superintendent of the police should have the absolute discipline of the department.

Q. Of all ranks in it? A. Yes, sir; ranks don't amount to anything in the police department.

By Senator Cantor:

Q. You mean the trial of the delinquent officers? A. Yes, sir.

Q. You mean the trial of the captains? A. Yes, sir; with the captains or superior officers, if they are wrong can create the real wrong in the department; a patrolman don't amount to anything; the patrol force in this department are as faithful to-day, to do as any man can do, and they are what their officers create them to be; there is not anything on earth that they would not do, if their commanding officers set them a good example in any way; there will be an isolated case here and there where you have got to have a complaint against a patrolman.

By Mr. Goff:

Q. There is one matter I would like to ask you; there was very great complaint, and I think just cause of complaint, superintendent, in the attitude you assumed at the time Dr. Parkhurst was trying to rid the Eleventh precinct of the abuses which existed there; did you knowingly oppose the doctor's interests or efforts in that precinct to suppress those houses there in spite of the police captain who was then in command? A. I never interfered; read the question?

Q. Read the question, please. (Question read by stenographer.) There is one matter I would like to ask you there was very great complaint, and just cause for complaint, superintendent, in the attitude you assumed at the time Dr. Parkhurst was trying to rid the Eleventh precinct of the abuses which existed there; did you knowingly oppose the doctor's interests or efforts in that precinct to suppress those houses there in spite of the police captain who was then in command? A. No, sir; that is not true; Dr. Parkhurst or anybody else that has ever come to me for the purpose of having me suppress any violation of law, I have done everything that lay in my power to do it, and would cheerfully do it.

Q. But, superintendent, complaints were made to you? A. Yes.

Q. Before Dr. Parkhurst's officers had made formal complaints in the police courts? A. Yes, sir.

Q. Your attention was directed to the abuses existing there, and you did nothing? A. No; I say to that, when they first sent a complaint there I was not here; it was sent in August, 1893; that complaint was investigated by the inspector of police

who was then in charge; it had always been customary in the department heretofore, for the last 30 years so far as I know, when a superintendent of police went away for a week or two weeks, that he selected one of his inspectors to remain and discharge his duties; I followed the same as anybody else; but I had only left New York 24 hours when the board of police took that up; they would not allow me to do that; they took three inspectors and retained them 10 days each, and that was to convey an idea to the force that no man I would leave would stay there; the result of that was that in that absence this complaint came there, and I think Inspector Conlin was in charge, and Inspector Williams had something to do with it, and Inspector McAvoy had something to do with it; they made a series of reports to the board of police relative to it; and when I came back on duty, it was the 29th of August, 1893; at that time the public mind here was very much discouraged about an anticipated conflict with anarchists on the west side of the city, and the strike on two or three of the steamship companies on South street; those things were all rectified in a short time; and I sent for Inspector Conlin in a week or 10 days and asked him about this communication that came there and asked him to get me the papers so that I could see the character of the reports that were made on the complaints; I read them; I sent for the inspector of the district; fearing that that abuse might creep in that they had reported on; and I directed the inspector of that district to report to me in writing the general conditions of each and every one of these numbers given; I sent for the captain of the precinct; I directed him on a Tuesday to report to me the general conditions of these particular houses complained of, and whether there were any acts of disorder committed there or not.

Q. Fifty houses there were? A. I don't know how many, but this is all a matter of record; they did make these reports and sometime after that, I don't know how long after, a month or two months, there might have been more or less, there was a communication came there addressed to me from that society; there was one came I assume to the board of police; I took that communication and compared it with the communication when I was away, and I found there was a large number of houses, or some on the second communication that was on the first; I took the latter communication, directed the inspector of the

district to make a careful investigation into it and report, and the captain of the precinct also I told to continue making those weekly reports relative to the condition of these particular houses; those reports were made and forwarded to the board of police.

Q. But you testified on the trial of Captain Devery that you had sent two detectives, Detectives Read and Jacobs, there and they reported? A. Oh, yes; pardon me; I sent those two detectives there.

Q. Directly and privately? A. Yes; not knowing that the other was going I think; these two officers were sent there, and whatever their reports are they are on file; I can not tell you just what they are now; but in addition to that I sent two or three roundsmen that had been doing special duty in various parts of the city; I directed them to go there also and look into these houses, and see if they were carrying on their business; in cases of that kind I assume that these women, while they retain possession of the house, that they may have moved their girls out for the moment, or for a day or two, and probably bring them back again; now I only remember that; I don't know whether it is true or not.

Q. But, superintendent, the fact remains that here were five officers sent by you in this precinct under the most careful surroundings and conditions, and they reported to you from time to time privately as to the condition, and they failed to report to you the existence of one house, when at the same time the members or detectives of a private society obtained evidence sufficient to convict five houses in the same precinct; is that not a comment upon the efficiency of your officers as compared with the efficiency of the officers of this private society? A. Now, will you repeat that question, or have him read it.

Q. I say, does not that show? A. Just read that again.

Q. I will put it again; the fact that you sent five officers, under carefully prepared instructions from your own official household, to that precinct to report to you, privately, as to the existence of houses of ill-fame in that precinct, and that these officers reported to you, and failed in their reports to show the existence of houses of ill-fame in that precinct; and at the same time the agents of a private society obtained evidence upon which subsequently a conviction was had of five disorderly-houses in that precinct; does not that show the inefficiency of

the officers that you sent into that precinct? A. I have got to say it does in that particular case; the captain and inspector of the district was making a report also.

Q. And the inefficiency extended to both the captain and the inspector? A. They were there, and doing it; yes, sir.

Q. I am informed here by Mr. Moss that all the inspectors, with the exception of McLaughlin, reported upon that precinct? A. Three of them; but not in the last report; when was that evidence got you refer to, Mr. Goff?

By Mr. Moss:

Q. All the way from May to October, 1893? A. Was not the evidence those houses were convicted on, where the conviction was obtained, was not the evidence obtained in May.

Q. From May to October? A. Where these people were convicted, was not the evidence obtained in May?

Q. There was evidence in May, and also in September; I remember those perfectly, because I tried the cases? A. Well—

By Mr. Goff:

Q. That shows, superintendent, as you have said, in that case the officers were inefficient.

Mr. Moss.—The arrests were made in October.

By Mr. Goff:

Q. Well, superintendent, leaving that matter aside for the present, you have answered my question — until legislative relief, whatever form it may assume, comes to the city of New York affecting its police department, the present condition of things is a deplorable one; isn't that a fact? A. It is sir; so far as I am individually concerned, as I said a minute ago, I have retired from the department twice since I was superintendent of police.

Q. Why did you retire? A. I would have done, but I felt I had a duty to the people and would not be driven out.

Q. How driven out; superintendent, explain that? A. Well, I felt assured that the commissioners wanted to get rid of me because I was not in accord with them.

Q. And you regard that as an intent to drive you out? A. Their views about police duty and mine are very different; my

views about police duty is to use the police force in the interests of the public good, and to protect life and property; their views differ very materially with mine in those respects, and I would have retired on two occasions had it not been for the fact that I have just said; I have been hampered; I have been criticised every way in the world; I have been trying to do what was proper and right, and what I considered as proper and right, and trying to uniformly enforce the law; and in that I do not think I was in accord with the commissioners; I had them on one side; had Dr. Parkhurst on the other side with the two edge sword coming along and taking a smash at me once in a while, and between them both I thought I had better get out; I was going up Broadway one night about six weeks ago; I saw a poster there "A man without a country;" I stood and looked it over and said, "This fits my case exactly;" I was a man without a party; and whatever the reorganization of the police department may be, I do not want to stand in the way of whatever the incoming mayor or authorities may do relative to the reorganization of this department; I had been in it nearly 32 years, and I consider that I have been a faithful servant; that being the case after election I thought it over very carefully, and I concluded that I would retire from the department, and as this investigation is over, or as this is the last night of it, I want to say to the chairman of this committee that there is a letter that I forwarded to Col. Strong along in the early part of the month.

By Mr. Goff:

Q. Of this month? A. Yes; they will be able to reorganize the department; any assistance that I can give them, it will be pleasure for me to do it; but I feel as though I ought to retire; I want to do that so it won't embarrass Col. Strong or anybody else.

Q. You mean to say that the letter of which this— A. That is a copy of a letter that I sent to Col. Strong on the 13th of the month.

Mr. Goff.—I will read this letter.

"Police Department of the City of New York.

"New York, December 13, 1891.

"Col. W. L. Strong:

"Dear Sir.—I appreciate as fully as any man can the tremendous responsibility that will come upon you when you assume

the duties of mayor, and undertake the reform of the various departments of the city government. I desire not to be an obstacle or an embarrassment to you in anything that you may propose to do with the police department. On the contrary I wish to aid you in any way that I can. I assume that you are considering now what action you ought to take at the outset of your administration, and what legislation will be required to make such action practicable. I, therefore, now place in your hands my request to be retired from the post of superintendent, to be used by you or not at any time after the 1st of January as you see fit. And let me further say that you may be entirely free to command my services, advice and information at any time in regard to the affairs of the police department with which I have been so long connected. Your obedient servant,

"THOMAS BYRNES."

Q. What led you to send this resignation, superintendent? A. I state in the paper what led me to do it.

By Chairman Lexow:

Q. You wish to take the position that you are more anxious to secure an efficient commission than to retain your position as superintendent? A. Yes, sir; I have been in this department 32 years; I know it from top to bottom; there is no man that lives to-day probably has seen as much police service as I have; during the time I was in the detective office, the period of nearly 12 years, I obtained more years of convictions against criminals than the detective force of Scotland Yard, Paris and Jersey all put together, nearly 10,000 years; there is no such detective system in the world; I have done all I could do; there is a new administration coming in, and anything in the world I can do to help you, in my time or anything else, I will be very glad to do it; I would not have stayed in the police department for the two years and eight months I have as superintendent of police under the existing circumstances if I did not hope that something of this kind would occur; and if the last election had not gone the way it did, the chances are I would not have retired: let them reorganize the department now.

By Mr. Goff:

Q. Then, superintendent, it is a fact, in view of all your testimony here relating to the condition of affairs in that department, that first a reorganization is necessary, is that so? A. Yes, sir.

Q. And secondly, that that reorganization should not only affect the system but the personnel of the department? A. It should affect the personnel to a very great extent.

Q. As well as the system? A. This department, to organize it, to make it practical, to enforce law, has got to be organized on a basis where it would be almost a physical impossibility for corruption of this kind hereafter to creep into the uniformed force, and it can be done.

Q. It can be done? A. Yes, sir; and it can be done; let us fancy our city was under martial law, and a general came in with 10,000 troops all in uniform, ranking from major down to the corporal; and they were distributed to every part of our city to protect liberty and property, to arrest persons violating the law; would any man expect that body of men to seek out and discover secret vice and crime behind bolted bars and doors; the man that does that has got to be trained to do it; it is not the ordinary patrolman.

Q. I want to get an answer direct, not exactly given yet; that from the present condition of things, the evils and abuses existing in the police department of the city of New York, that a reorganization is necessary, not only in the system, but as you have said, to a great extent in the personnel of the department, is that so? A. I think that relative to the personnel of the department, it ought to be changed a very great deal.

Q. And the present system? A. Yes, sir; the system is all wrong.

Mr. Goff.—I have no further questions to ask at this time.

The Witness.—It is all wrong.

By Senator Bradley :

Q. Including the election powers of the election boards, would you be in favor of that? A. The election board, too, can be better conducted.

Mr. Goff.—Now, Mr. Chairman, we have had a long day at the close of a laborious week, and while I thought we could have commenced with the superintendent earlier in the day that we

might have had a more exhaustive examination, I must say that I am pretty near exhausted now, and I think we have come to a point where we can, with view to the interest intrusted to our charge, discontinue further examination this evening.

Chairman Lexow.—That will be all, Mr. Superintendent.

Mr. Goff.—I wish to say in justice to Mr. Martin, that I have examined the bank-books which he surrendered to counsel last evening, and check-books also. Every item of entry and draft in those respective books, deposits and drafts; and I do not find any entry of any denomination or of any character that would warrant or justify me or hold out any hope to me of any proper or desirable results, and I, therefore, have those bank-books; and I say this in justice to him; he having surrendered those bank-books.

Chairman Lexow.—Before adjournment I desire to read the following resolution, which the stenographer is instructed to take down.

Be it resolved, That this committee express its cordial appreciation of the disinterested and unflinching courtesy of Thomas Boese, Esq., clerk of the Superior Court of the city of New York, in placing at the disposal of the committee the ample and commodious accommodations of said court for the holding of its sessions, and of the uniform consideration and politeness with which every requirement of the committee in the transaction of its business has been met, and ever sacrifice of time and trouble has been cheerfully made to secure the comfort and convenience of all its members and counsel. That this committee recognizes that the clerk of the Superior Court has greatly aided and facilitated the work in which the committee has been engaged, and has thereby rendered important service not only to the people of this municipality, but also to the whole State.

Be it further resolved, That the committee express its appreciation of the services of the officers and attaches of the said court, and particularly of Cornelius J. Kane, James J. Duffy, Harry Dyer, John Howard, Frank McCarthy, Andrew Bunker and Daniel Sullivan, who have been present at the sessions of said committee, and have aided in maintaining order, or have in other respects rendered valuable assistance to the members of said committee, individually and collectively, throughout the protracted sessions of the investigation.

Mr. Goff.—I would move the committee to add another name to that for the services, attention and courtesy and close attention to all the interests involved in this investigation so far as he could control them and effect them, and that is Officer DeGann, and we all remember the examination now being closed.

Senator Cantor.—I move the resolutions be amended in that particular.

Chairman Lexow.—The motion is made that the original motion be amended to include Officer DeGann's name; those in favor say aye, opposed no; it is carried unanimously to add his name.

Mr. Goff.—And I wish further to place on record now, and I think I speak for the committee, and I know I speak for my associates in regard to this officer, that he has the distinction of being the first police officer in this investigation who had the courage, at a time when it required courage, to go on the stand and tell what every one felt and believed to be the truth. He was the first man in uniform or out of uniform in connection with the police department of the city of New York and this investigation to do that; and he did it at a time, as I say, when it required great courage and devotion to the interests of truth to enable him to do it.

Chairman Lexow.—We have not proposed any formal resolutions in reference to the counsel of the committee. We shall do so when we reach Albany and do it in a more suitable way than we can at this time in the evening. We desire, however, to add to these resolutions the acknowledgment on the part of the committee of the efficient services rendered to us by the district attorney and his office during the entire period of this investigation.

Mr. Goff.—We are pleased to join with that acknowledgment, because we have never gone to the district attorney's office but that the district attorney either himself or by his direction ordered an immediate and prompt co-operation with us. And now may I be permitted to say a word—

Chairman Lexow.—Before you go into any extended statement, there is another resolution we desire to put on the minutes, and that is the majority of the committee join in requesting the board of police commissioners to act upon the request for retirement preferred by Captain Creeden, and to grant it.

Senator O'Connor.—I want to say something before we adjourn. I usually do not say much complimentary to the newspapers, but as a lawyer I want to commend the uniformly fair reports of these proceedings and the evidence and the very intelligent idea they have given of these proceedings to the people throughout the State, because I discovered when I go home the people seem to know all about what takes place here as well as the committee, and it is due to the capable manner in which the proceedings have been reported. I think it is due to the gentlemen to give them the recognition of it. I am not usually given to compliments to the press.

Chairman Lexow.—They are entitled to it.

Senator O'Connor.—But it is a fact, the people up in the country where I live know as much about the evidence taken here, and, of course, they have no other way of getting it than by the press.

Chairman Lexow.—That is passed unanimously by the committee I believe. Now, Mr. Goff.

Mr. Goff.—I do not propose to indulge in any extended remarks because you have heard me now for about the period of nine months, and my voice is no stranger to you. There are a few observations which I may feel justified in indulging in in the way of summing up or reviewing the testimony that has been taken here before this committee; but in one sense personal to my associates and myself, and in another sense relative to the resolution appointing this committee, and the drawbacks that this committee labored under.

First, I need scarcely say what I have stated before to this committee, the loyal and devoted aid and work performed by my associates, Mr. Jerome and Mr. Moss; and I might say without being invidious, that to Mr. Moss is particularly due the credit, because he was working on this line and working in this cause before ever Mr. Jerome or myself got into it, and for years Mr. Moss has devoted almost his best professional efforts in this life towards uncovering and exhibiting the state of affairs in the police department in the city of New York, which has been proven here before this committee; and to him is especially due the thanks not only of this committee and myself, but of the citizens of New York.

May I be pardoned now for saying a word personal to myself? It is very seldom I have intruded my personality in this matter. At the close of the investigation, however, I think it but proper

to send my respects through the numerous channels of intelligence which are represented here to-night to the gentlemen in this city who have gone to the expense and trouble of hiring private detectives to watch me. I did not wish to speak of it before, and while, of course, it has occasioned a great deal of anxiety and trouble to my family, yet it has never caused me to divert one iota from my path of conduct either private or public.

When I had the honor of being selected by your committee as its counsel, I did not then nor have I ever assumed the character of being a moral censor, or being any better than the average man, with all the frailties and all the feelings of manhood. I am no better and possibly no worse than the average man, and the only duties I assumed here were the duties of a lawyer to a client, as I told you, gentlemen, in the capitol at Albany, of counsel to a client. I did not propose to pose or assume the character of being a moralist or of being a reformer in the ordinary sense of that term. I did not hold myself up as an example of goodness. I simply was a plain lawyer devoted to the cause to which I was bound in honor to give my best interests. And I say this for the benefit of these gentlemen, public-spirited though they are, and I wish them to know that I am acquainted with their personalities and I know their carefully prepared schemes and plans, and their own discussions in their own private houses; and I have been waiting and expecting at any day that the reports of their private detectives would be laid bare before this committee, or before the people of the city of New York; and I would like to have them now bring forward their reports. I would like that while I am in a position to fight for myself, that they would do so and not take advantage to stab me in the back when I may not be in a position to meet them in square open fight and battle.

Now, as I have said while I was in receipt, have been in receipt, of a great many anonymous letters, some scurrilous, some abusive, some threatening, some warning me of impending dangers; that those things did not affect me at all; but I do confess to irritation sometimes, to find myself shadowed and even on the most unimportant occasions in the ordinary routine of every-day life, and every evening my slightest actions have been recorded and my slightest movements noted. Now, I say a lasting word to these gentlemen that day or night—and I have

been out all night in this city in the work of this committee—while I ask no favors, neither do I fear any frowns, but I ask these men now, as the result of their months of private detective work, to come forward and meet me in the open broad daylight with anything they can lay charged to me as a man and a citizen and a lawyer; and I use the words of the last witness on the stand, now this investigation is over, my associates and myself join in this statement, that if there be any man living to-night or any woman that come forward and say that the counsel to this committee have been guilty of an improper or an irregular act, let them come now or forever afterward hold their peace.

Gentlemen, let it not be said when we are not in a position to defend ourselves that this thing has been done and that thing has been done; because there have been a great many people who have sent us communications largely anonymous in their character, setting forth scandalous and defamatory matter, to ask and call certain witnesses and examine them upon them. If we have not done so, we have declined to do so because we did not feel warranted. That the evidence in the case would not justify the putting of such questions, and that the calling of these witnesses at the mere whim or caprice of anonymous correspondents was not in our duty. And I further say, here, that to some gentlemen in this city who have conceived certain antipathies for certain police officials, and friendships for other police officials, that we have refused to put their questions and we have refused to refrain from putting questions because we have religiously, as far as we could by honorable compact between ourselves, refused to be made the tools, either in the interests of friendship or the weapons for the vengeance of private parties with their private antipathies or their private spleens. It has been said, of course, that we might have called this one and might have called that one, and our policy has been criticised, possibly justly so, and if we had to commence this investigation again, we might do better; no doubt we would. We went into it without experience in investigations, but in doing so we did the best we could. It was suggested to us, we commence at the top and go down to the bottom. We pursued a different course. We commenced at the bottom and we have reached the top. We are not aware to-night of one solitary man with the exception of some of the police captains who have been sick for the past three or four days or week and who we have subpoenaed

—we are not aware of one solitary man in the police department or connected with it, that we have not called and questioned to the fullest extent of our information. And let me say one kind word, one word here to the very many people who have supplied us with information, of the difficulties we have had to verify that information; and I mentioned to you, Senators, the almost unsurmountable obstacles that beset our path at the commencement. Men were numerous enough all the way through to tell us what questions to ask and to whisper into our ears the secrets of the police department, and the outrages committed by officials, the corruptions and riches acquired by corrupt practices by members of the police department; but in almost every instance, I might say without exception, the moment we asked one of these persons, "Will you come forward and testify to that fact," the answer invariably has been, "Oh, I do not want to have anything to do with it. You can call Smith," and we would go to Smith, and he would tell us, you go and see Jones, and we would go from Jones to Robinson; and I want here to-night to say, and to say it with all the solemnity I am capable of, that if there be one man in the city of New York or elsewhere who has offered to come on the stand and testify to any of the corruption, or bribery, or misconduct against the police department, or any of its members, in the city of New York, during the investigation, let him now come forward. There has not been one, Senators; and we can defy, and we do defy any man to hereafter say that he could have testified to certain facts and that he was refused the opportunity to testify to those facts.

Gentlemen, in drafting your resolution, it was thought advisable on the suggestion of counsel to bring within your jurisdiction the right to inquire into other departments than the police department—the departments having a connection, a collateral connection with the administration of the Criminal Law, such as the police courts, such as the department of charities and correction, and the department of excise. It was never intended to examine these departments, as you are aware, except to provide that in case a line of testimony ran into those departments that we could follow that line of testimony without having our jurisdiction questioned. However, in the investigation that has gone through our hands, we have learned something about these departments. We would have liked very much to have had the opportunity to inquire into them. I can say, and say it with

full responsibility for what I say, from the knowledge in my possession, that the police courts of the city of New York are conducted in an incompetent, and in a negligent, and sometimes in a corrupt manner. Professional bail bonds are characteristic of nearly every court of the city of New York, interlopers and go-betweens. The management of the police court prisons is a shame to our civilization; and I have no hesitancy in saying that it is a question for the Legislature to consider whether or not the bench of the police justices in the city of New York is properly, and capably and competently filled. As to the department of excise there is no doubt but corrupt practices exist there. That has been proven before this committee; and as to the department of charities and corrections there is little short of the volume of corrupt practices there that have been sworn and shown to have existed in the police department, and more particularly I call your attention, Senators, to them, inasmuch as that department has to do with the poor, the friendless, the outcast, the degraded of the human species, and that the well to do, prosperous part to the community care very little as to the treatment of these poor outcasts and these poor paupers, the insane, who can not take care of themselves. The outcasts of society are all placed in the hands of that great department; and I say it with the full responsibility that I know my words carry with them, that that department badly, badly needs, as badly as the police department, reorganization both in the system and in its personnel. As to your committee let me say here, and it may not be inappropriate with the view of further legislative committees in this State, that if I were free, and asked to serve as counsel to another investigating committee, I should, no matter what the promise of compensation would be, refuse to serve unless the powers of the committee were adequate to the purposes for which they were appointed. The powers of this committee have not been adequate. We have tried to suppress and smother our weakness. We have had no power. The only power that we have had behind us has been the moral sentiment of this community and the people of this State. As for legal power, the way in which we have endeavored to get indictments, the way in which we have endeavored to impress people with the influence and power of this committee, were what I might say almost subterfuges to cover up our own weakness, and while it is a grave subject to consider, yet a committee appointed with a task before it such as this committee had, certainly should

have adequate powers and those powers should include the powers of a court of record, to punish for a contempt for refusal to obey its process, power to enforce its mandates; and unless such power be vested with the committee they will fall far short and the arm of the law that they are supposed to be strengthened with fall nerveless by their side.

Now, one word in the line of Senator O'Connor's remarks. My associates and myself unite in expressing our appreciation, both professional and personal, to the representatives of the newspaper press who have attended here at these sessions from day to day for so many months, for their unfailing courtesy and generous treatment of counsel and of the committee and its work; but above all the thanks of the committee and counsel and of this community and of every municipal community in the United States are due to the great and wonderful power exercised by the New York press during this investigation. I do not think there has ever been anything to approach it in the history of civilization, for, throughout this broad land, go to the smallest village, and you have found the New York papers or extracts from them, disclosing the testimony taken before this investigation. There has not been a paper throughout this continent but has bristled with editorial comment upon the result of this investigation, and all flowing from that great and mighty fountain of intelligence, the New York newspapers. Sometimes, if we have been criticised or commented upon for our shortcomings, those were things we had a right to expect, and possibly deserved. As a whole, we have done the best we could under the circumstances, and before a task that was sometimes appalling, sometimes appeared to us beyond human power to grapple with; but we went on with the conviction that the only safe course for us to follow was to do our duty, our whole duty, as best we could understand it; and we feel to-night, after a month's labor, Senators, thanking you for your unfailing courtesy to us, we feel satisfied in our own conscience that we have done our duty to the people of our city and State, to you, to ourselves, and to the cause in which we were engaged.

Senator Bradley.—Mr. Chairman, I move in consideration of the services that have been rendered by this chair, with 13 nails in it, that with the consent of the city of New York, we make a present of this chair to Dr. Parkhurst.

Chairman Lexow.—I do not know that this committee can arrogate to itself a proprietary interest in that chair.

Mr. Goff.—I promised the doctor the chair if I could get it for him.

Senator Bradley.—I call for my motion.

Chairman Lexow.—I think I echo the sentiment of every member of this committee when we hope for Mr. Goff in his greater and more elevated position the ability to exercise the same loyalty to the people as he has exercised towards this committee. I believe that he will bear me out in saying that from the time this committee first undertook its labors here until to-night, when we separate, and probably never to meet again as counsel and client, that never during that entire period of time has there been a single difference of opinion.

Mr. Goff.—That is true.

Chairman Lexow.—Either between counsel, or between any member of the committee, or between the associate counsel and the members of this committee, but from the day we started there has been absolute harmony and unity of action, purpose and deed, that we have been guided solely by the desire to serve the interest of the people of this municipality; that if we have at times seemed to break upon the rules and practices that are observed in courts of law and justice, it has been because we have been confronted here by a condition of things that equalled, in the words of Senator O'Connor, war; that we found ourselves confronted by the alternative to make novel methods, novel practices and novel rules, or else to fail in our service and in our duty to the people. We have been criticised at times for thus departing from the ordinary forms of law; but I am satisfied that if we had not done what we have done, that this investigation would have proved a failure, and for every act of our counsel we hold ourselves responsible. Any criticism upon them we consider, and will deem it a criticism upon us. They have been guided by the same motives; they have performed distinguished service for the State, more distinguished in my judgment than any services heretofore performed by counsel to any legislative committee ever created under the laws of this or any other State, of this nation or of any nation in the civilized world; and I believe that their deeds will go down into the history of this country as a monument of loyalty, ability, indomitable courage, that never hesitated as to the path to pursue when they saw their duty. This committee will now stand adjourned subject to the call of the chair.



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